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DESCHLER'S PRECEDENTS

OF THE

United States House of Representatives

INCLUDING REFERENCES TO PROVISIONS
OF THE CONSTITUTION AND LAWS, AND
TO DECISIONS OF THE COURTS

By
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1928–1974

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A. (or A.2d)	Atlantic Reporter
ad hoc	For a particular purpose or end
A.L.R.	American Law Reports Annotated
Am Jur	American Jurisprudence
amend.	Amendment to the Constitution
Annals of Cong.	Annals of Congress (1789-1824)
App. D.C.	Appeal Cases, District of Columbia
App. Div.	Appellate Division
art.	Article of the Constitution
C.A.	Court of Appeals
Cert.	Certiorari
cf.	Compare with
CFR	Code of Federal Regulations
Ch.	Chapter
Cir.	Circuit Court of Appeals (federal)
Cir. Ct. App.	Circuit Court of Appeals (state)
cl.	clause
Comm.	Committee
Cong.	Congress
Cong. Deb.	Congressional Debates (1824-1837)
Cong. Globe	Congressional Globe (1833-1873)
Cong. Rec.	Congressional Record
contra	Contradictory authority
Crim. App.	Court of Criminal Appeals
Ct. Cl.	Court of Claims
D.	District Court (federal)
daily ed.	Daily edition of Record
e.g.	For example
et al.	Omission of party in case name
et seq.	And the following
ex rel.	On the relation of . . .
Exec. Comm.	Executive Communication
F (or F2d)	Federal Reporter
FCA	Federal Code Annotated
Fed. Reg.	Federal Register
FRD	Federal Rules Decisions
F Supp	Federal Supplement
H. Con. Res.	House Concurrent Resolution
H. Doc.	House Document
H.J. Res.	House Joint Resolution
H. Jour.	House Journal
H.R.	House Bill
H. Rept.	House Report
H. Res.	House Resolution

TABLE OF ABBREVIATIONS AND TERMS

Id.	Citation to same authority as in immediately preceding citation
i.e.	That is
In re	In the matter of . . .
infra	Subsequent section or chapter
inter alia	Among others
L.Ed (or L.Ed2d)	Lawyers' Edition, U.S. Supreme Court Reports
L.J.	Law Journal
L. Rev.	Law Review
Mem.	Disposition of case without opinion
N.E. (or N.E.2d)	North Eastern Reporter
N.W. (or N.W.2d)	North Western Reporter
Op. Att'y Gen.	Attorney General's Opinions
P. (or P.2d)	Pacific Reporter
Per Curiam	Disposition of case with short opinion
Priv. L.	Private Law
Pub. L.	Uncodified Statute or Session Law
S.	Senate Bill
S. Con. Res.	Senate Concurrent Resolution
S. Ct.	Supreme Court Reporter
S. Doc.	Senate Document
S.E. (or S.E.2d)	South Eastern Reporter
Sess.	Session
Sic	Mistake in original of quoted material
S.J. Res.	Senate Joint Resolution
S. Jour.	Senate Journal
S. Rept.	Senate Report
S. Res.	Senate Resolution
So. (or So.2d)	Southern Reporter
Stat.	Statutes at large
Sup. Ct.	Supreme Court
supra	Prior section or chapter
S.W. (or S.W.2d)	South Western Reporter
U.S.	United States Supreme Court Reports
USC (or USCA)	United States Code (or United States Code Annotated)
U.S. Code Cong. & Ad. News	United States Code Congressional and Administrative News
U.S. Const.	United States Constitution
U.S.L.W.	United States Law Week

CHAPTER 27

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Amendments

A. GENERALLY

§ 1. Introductory; Definitions; Form

Rule XIX[1] states:

> When a motion or proposition is under consideration a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon. Amendments to the title of a bill or resolution shall not be in order until after its passage, and shall be decided without debate.

In the amending process,[2] the four stages of amendments are offered and considered in the order prescribed by the rules and practice of the House and Committee of the Whole.[3] Strict rules govern the order in which the above amendments may be considered, and the forms of amendment that are permitted to be pending at any one time.[4] The amendment to the original text must, of course, be offered first, and generally only one amendment to the text may be pending at any one time. Once that amendment is offered, however, the other three forms of amendment described above may be offered and all four amendments may be pending at one time.

Provisions of Section XXXV of Jefferson's Manual[5] govern motions to strike and to strike out and insert, with the exception that Rule XVI clause 7 of the House Rules specifically provides that "a motion to strike out being lost shall neither preclude amendments nor a motion to strike out and insert."

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[1] *House Rules and Manual* § 822 (101st Cong.). The "motion to amend" is one of the motions permitted by Rule XVI.

[2] This chapter discusses the amendment process generally, including significant recent rulings through 1986. Related topics treated elsewhere include the requirement of germaneness of amendments (see Ch. 28, infra) and amendments between the Houses (see Ch. 32, infra). For earlier coverage of the subject of amendments generally, see 5 Hinds' Precedents §§ 5753–5800; 8 Cannon's Precedents §§ 2824–2907a.

[3] See, for example, §§ 15–18, 23–26, infra.

[4] See, for example, §§ 5, 6, infra.

[5] See *House Rules and Manual* §§ 468, 469 (101st Cong.). For further discussion of these motions, see, for example, §§ 16, 17, 24, and 31, infra.

An amendment frequently referred to in this chapter is an "amendment in the nature of a substitute." This type of amendment should be distinguished from a substitute amendment. A substitute amendment(6) is merely a substitute for another amendment that has been offered. An amendment in the nature of a substitute, on the other hand, most often describes an amendment which would replace the entire text of a bill or resolution, although the term has also been used, less accurately, to describe amendments replacing a substantial portion—such as an entire section or title—of a pending bill.(7)

An amendment in the nature of a substitute is basically, in form, a "motion to strike out and insert." But it should be pointed out that, in cases where a "motion to strike out and insert" affects less than the whole of a pending bill or resolution, the motion cannot be properly characterized as an amendment in the nature of a substitute. As used in this chapter, the term "motion to strike out and insert" usually has reference to an ordinary perfecting amendment which affects only a portion of the text being amended.

Frequently, as by special rule, an amendment in the nature of a substitute may be considered as an original text for purposes of amendment and does not fall within the limitation described above with respect to the number of amendments that may be pending at one time.

Many technical rules and procedures affect the manner in which amendments may be offered, debated, and voted upon. Points of order may lie against amendments that do not conform to established rules and practice. Such points of order against amendments may be based on any of several grounds. For example, an amendment may be barred if it violates the "germaneness" rule(8) or if it violates the prohibition against inclusion of legislative provisions in appropriation bills(9) or of appropriations in legislative bills.(10)

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(6) See, for example, § 18, infra.

(7) See, for example, § 12, infra.

(8) See Ch. 28, infra.

(9) See Ch. 26, supra.

(10) See Ch. 25, supra.

The procedural aspects of making a point of order against an amendment, and the timeliness of points of order, are discussed in another chapter.(11)

Generally, a point of order against a proposed amendment comes too late after debate on the amendment has begun, unless the Member making the point of order was on his feet, seeking recognition to make the point of order, prior to commencement of such debate.

If a point of order is sustained against an amendment, the entire amendment is ruled out, although only a portion of such amendment be not in order. Similarly, where a portion of a section of a bill is out of order, the entire section is rejected if the point of order is directed against the entire section. It is, however, in order to offer an amendment reinserting that part of the section which would otherwise have been in order.(12)

The fact that no point of order was made against one amendment does not, of course, preclude such points of order against subsequent amendments.

Pursuant to the House rules,(13) the Chair or any Member may require that an amendment be reduced to writing before being offered. Upon the offering of any amendment in Committee of the Whole, the Clerk transmits copies thereof to the majority and the minority in accordance with the House rules,(14) although the failure of the Clerk to promptly transmit such copies is not the basis for a point of order against the amendment.

The Chair does not respond to a parliamentary inquiry as to the effect of an amendment,(15) and does not rule on the constitutionality of an amendment.(16)

Requirement as to Writing

§ 1.1 Where there was pending an amendment and a substitute therefor, the Chair indicated

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11. See Ch. 31, infra.
12. For a discussion of the effects of sustaining a point of order against an amendment generally, see Ch. 31, infra.
13. Rule XVI clause 1, *House Rules and Manual* § 775 (101st Cong.).
14. See Rule XXIII clause 5(a), *House Rules and Manual* § 870 (101st Cong.).
15. See 124 Cong. Rec. 23725, 95th Cong. 2d Sess., Aug. 1, 1978 (parliamentary inquiry was made as to whether a substitute amendment was identical to another amendment, except for a specified addition).
16. See 124 Cong. Rec. 23730, 95th Cong. 2d Sess., Aug. 1, 1978.

that amendments to the substitute would be in order if offered in writing or if offered verbally by unanimous consent.

Under Rule XVI clause 1,(17) the Chair may demand that a Member's motion be reduced to writing. The operation of clauses 1 and 2 of that rule, governing requirements as to reducing motions to writing and the reading or stating of motions, was illustrated in the proceedings of Oct. 16, 1973.(18) On that date, while there was pending an amendment and a substitute for the amendment, the following exchange took place (after an amendment to the amendment had been agreed to) with respect to a proposed amendment to the substitute:

> MR. [RICHARD W.] MALLARY [of Vermont]: Mr. Chairman, at this point it would be important, I believe, since the same deficiency exists in the substitute offered by the gentleman from Indiana, I would move to amend the substitute in the manner in which the amendment just acted on is worded.
>
> THE CHAIRMAN:(19) An amendment to the substitute would be in order, but it has to be in writing.
>
> MR. MALLARY: Mr. Chairman, I wonder if the Clerk would be willing to use the language in the amendment to the amendment in order to make the correction. In view of the vote on the amendment, I ask unanimous consent that the substitute amendment of the gentleman from Indiana be amended as we have just amended the amendment to the amendment.
>
> THE CHAIRMAN: The Clerk will report the Zion amendment as proposed to be amended.

The Chair at this point responded to a parliamentary inquiry by describing the status of the pending amendments and the order of voting thereon. He then permitted Mr. Mallary to offer his amendment to the language of the substitute by unanimous consent, and such amendment to the substitute was agreed to.

§ 1.2 Amendments must be reduced to writing on demand.

On Feb. 10, 1964,(20) the Chair refused to put the question on agreeing to a unanimous-consent request to amend a bill at several points and advised the Member to send the amendment to the desk in writing. During consideration of H.R. 7152, the Civil Rights Act of 1963, Mrs. Frances P. Bolton, of Ohio, had sought to offer multiple

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17. *House Rules and Manual* § 775 (101st Cong.).
18. 119 CONG. REC. 34336, 93d Cong. 1st Sess. Under consideration was H.R. 9681 (Committee on Interstate and Foreign Commerce).
19. Charles H. Wilson (Calif.).
20. 110 CONG. REC. 2718, 2719, 88th Cong. 2d Sess.

amendments by unanimous consent.

Mr. [William M.] McCulloch [of Ohio]: . . . Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio [Mrs. Frances P. Bolton].

Mrs. Frances P. Bolton: Mr. Chairman, on Saturday there was considerable confusion, as all will admit.

When the gentleman from Virginia [Mr. Smith] so graciously offered the amendment to include the word "sex" there was an omission, by mistake I am sure, in regard to two principal areas of the title.

On line 18, page 68, after the word "religion" there was an omission of adding the word "sex." That is the hiring and firing area which, after all, was the reason we sought the change. The other omission was on page 69, line 5, after the word "religion."

I hope that the House will wish to remedy the omissions by unanimous consent. . . .

Mr. [Howard W.] Smith of Virginia: I just want to say, in the hurry of preparing that amendment, I went through the title pretty thoroughly, and I thought I did have the word "sex" inserted wherever the categories occurred. It was a mistake on my part in overlooking that, and I very much hope that the gentlewoman's amendment will be accepted.

Mr. [Emanuel] Celler [of New York]: Mr. Chairman, will the gentleman yield?

Mr. McCulloch: I yield to the gentleman from New York.

Mr. Celler: In order to have the amendment considered properly, I think you may have to add the word "sex" on line 3, page 69, and also on line 5 of page 69.

Mrs. Frances P. Bolton: I have it on line 5. I do not have it on line 3. I will be very happy to, Mr. Chairman.

Mr. Celler: Mr. Chairman, on page 77 there is a committee amendment that would also require the addition of the word "sex."

Mrs. Frances P. Bolton: Will the gentleman add that, too, then?

Mr. Celler: Will the gentlewoman repeat the words on page 69 where the word "sex" is added?

Mrs. Frances P. Bolton: On page 68, line 18, after "religion" and on page 69, as the gentleman suggests, on line 3 after "religion" and on line 5 after "religion" and then, I believe, as the gentleman suggested, on line 10 on page 77 and on line 17.

Mr. Celler: And you will add it on page 77 in the committee amendment?

Mrs. Frances P. Bolton: Yes, that will be added. . . .

Mr. [Charles E.] Goodell [of New York]: I wonder if the gentlewoman would not intend that the requirement for no discrimination against an individual on the basis of sex would also be subject to a bona fide occupational qualification exception. Would she not accept adding the word "sex" on page 70, lines 7 and 8, after the words "national origin" and on page 71 in two instances on line 7. There are so many instances where the matter of sex is a bona fide occupational qualification. . . .

The Chairman:(1) The time of the gentleman from Ohio [Mr. McCulloch] has expired.

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1. Eugene J. Keogh (N.Y.).

The Chair will state that there is no request before the Committee at the moment.

Mrs. Frances P. Bolton: Mr. Chairman, there is the unanimous-consent request that those words be added.

The Chairman: Will the gentlewoman from Ohio send up the request so that the Clerk may report it?

Mr. [William M.] Colmer [of Mississippi]: Mr. Chairman, I offer an amendment.

Mr. Celler: Mr. Chairman, a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Celler: Mr. Chairman, was the unanimous-consent request of the gentlewoman from Ohio agreed to or was there objection?

The Chairman: The Chair will inform the gentleman from New York that the unanimous-consent request of the gentlewoman from Ohio has not been reduced to writing. The Chair did not have the unanimous-consent request put during the course of the colloquy between the gentleman from Ohio and the gentlewoman from Ohio.

The Clerk will report the amendment offered by the gentleman from Mississippi [Mr. Colmer].

§ 1.3 A Member's request for time to put his amendment in writing was objected to.

On July 27, 1939,[2] the following proceedings took place:

The Chairman:[3] The question is on the amendment offered by the gentleman from Massachusetts [Mr. Martin].

Mr. [John H.] Kerr [of North Carolina]: Mr. Chairman, I offer an amendment to the gentleman's amendment that after the words "New England" insert "and North Carolina," and I will not ask to be heard on the amendment to the amendment.

Mr. August H. Andresen [of Minnesota]: Mr. Chairman, a point of order.

The Chairman: The gentleman will state it.

Mr. August H. Andresen: Mr. Chairman, I make the point of order that the amendment is not in proper form, not having been submitted in writing.

The Chairman: The Chair sustains the point of order.

Mr. Kerr: I will reduce it to writing.

The Chairman: The time has come to vote on the amendment. . . .

Mr. Kerr: Mr. Chairman, I ask unanimous consent that I may have time within which to put my amendment in writing.

Mr. Bolles and Mr. Andrews objected.

The Chairman: The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. Crawford), there were—ayes 148, noes 109.

So the amendment was agreed to.

The Chairman: Under the rule the Committee rises.

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[2] 84 Cong. Rec. 10251, 76th Cong. 1st Sess. Under consideration was S. 2697, to facilitate execution of arrangements for exchange of surplus U.S. agricultural commodities for reserve stocks and strategic materials produced abroad.

[3] John J. Sparkman (Ala.).

Amending Resolution From Committee on Rules; Debate

§ 1.4 An amendment to the body of a resolution reported by the Committee on Rules is properly offered by the Member handling the rule before the previous question is moved.(4)

§ 1.5 A resolution reported by the Committee on Rules may not be amended unless the Member in charge yields for that purpose or the previous question is voted down, nor is an amendment offered by the Member in charge subject to amendment unless he yields for that purpose.

On Sept. 14, 1951,(5) the following proceedings took place:

> Mr. [Charles A.] Halleck [of Indiana]: Mr. Speaker, I would like to inquire, as a parliamentary inquiry, whether or not this resolution would be subject to amendment if an amendment were offered for and on behalf of the Rules Committee.
>
> The Speaker:(6) The gentleman from Texas [Mr. Lyle] has control of the time. The gentleman from Texas can offer an amendment before he moves the previous question. . . .
>
> Mr. [Clare E.] Hoffman of Michigan: But unless the gentleman from Texas does offer such an amendment the only way we could have an opportunity would be to vote down the previous question.
>
> The Speaker: That would be correct. . . .
>
> Mr. Lyle: Mr. Speaker, I now offer the amendment. . . .
>
> Mr. Hoffman of Michigan: Is an amendment to the amendment in order?
>
> The Speaker: Not unless the gentleman from Texas yields for that purpose.

§ 1.6 Resolutions reported by the Committee on Rules providing for investigations are debated under the hour rule, and are subject to amendment if the previous question is rejected.

On Apr. 8, 1937,(7) the following proceedings took place:

> Mr. [Carl E.] Mapes [of Michigan]: Mr. Speaker, this resolution and the one to follow it, the Dies resolution, provide for the appointment of investigating committees. . . . My inquiry is, Will there be opportunity to read the resolutions section by section and to offer amendments to them?
>
> The Speaker:(8) The resolution is being considered in the House under the rules and precedents, and it will be considered in its entirety. . . .

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4. See § 14.2, infra.
5. 97 Cong. Rec. 11394, 11397, 82d Cong. 1st Sess. Under consideration was H. Res. 386, an amendment to the rules of the House.
6. Sam Rayburn (Tex.).
7. 81 Cong. Rec. 3283–90, 75th Cong. 1st Sess.
8. William B. Bankhead (Ala.).

MR. [THOMAS] O'MALLEY [of Wisconsin]: If the motion for the previous question is defeated, the resolution will then be open for amendment?

THE SPEAKER PRO TEMPORE:(9) The gentleman is well informed.

§ 1.7 Where a member of the Committee on Rules calling up a resolution reported by that committee offers an amendment after debate on the resolution has concluded, such amendment is not debatable if the previous question on the amendment and on the resolution is moved and agreed to.

On Mar. 11, 1941,(10) the following proceedings took place:

MR. [EDWARD E.] COX [of Georgia]: Mr. Speaker, I call up House Resolution 120, which I send to the desk and ask to have read. . . .

Mr. Speaker, I have stated that the language proposed by the gentleman from New York [Mr. Wadsworth] is an improvement to this bill, and I offer it as an amendment to the bill, and Mr. Speaker, I move the previous question on the amendment and the resolution.

MR. [ANDREW J.] MAY [of Kentucky]: Mr. Speaker, I make the point of order that the resolution is not subject to amendment until the previous question has been disposed of. . . .

THE SPEAKER:(11) It is in order for the gentleman from Georgia [Mr. Cox] to offer the amendment. The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Cox: On page 2, line 20, after section 2, strike out section 3 and insert the following:
>
> "Sec. 3. The committee may withhold from publication such information obtained by it as in its judgment should be withheld in the public interest."

THE SPEAKER: The gentleman from Georgia [Mr. Cox] moves the previous question on the amendment and the resolution.

MR. MAY: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MAY: Mr. Speaker, I desire to inquire whether or not the amendment as offered is debatable before the previous question is voted upon.

THE SPEAKER: The previous question has been moved. If the previous question is voted down, the amendment would be subject to debate.

§ 1.8 When an amendment is offered to a pending resolution and the previous question is immediately moved on the resolution and on the amendment, the 40 minutes of debate under clause 3 of Rule XXVII(12) does

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9. Fred M. Vinson (Ky.).
10. 87 CONG. REC. 2182, 2189, 77th Cong. 1st Sess. Under consideration was H. Res. 120, relating to an investigation of national defense.
11. Sam Rayburn (Tex.).
12. *House Rules and Manual* § 907 (101st Cong.). The rule provides for 40 minutes of debate when the previous question has been ordered "on any

not apply if the main question has been debated.

See § 1.7, supra, wherein the Chair did not allow debate on an amendment on which the previous question had been moved. See also § 14, infra, for further discussion of the effect of the previous question.

Pages and Lines

§ 1.9 An amendment should specify and identify the text to be amended; and an amendment offered to a substitute amendment is not in correct form where it purports to amend not the substitute but the original amendment; thus, an amendment containing several references to pages and lines of the bill rather than of the substitute was held not in order as an amendment to the substitute.

On May 8, 1947,(13) the following proceedings took place:

> THE CHAIRMAN:(14) Let us get this clear. We have a pending amendment and we have a substitute for that amendment. The gentleman from Ohio has offered an amendment to the substitute. The amendment consists of several references to pages and lines. Are those pages and lines a part of the amendment offered by the gentleman from New York [Mr. Javits] as a substitute?
>
> MR. [GEORGE H.] BENDER [of Ohio]: Mr. Chairman, they are part of the bill, which has already been read.
>
> THE CHAIRMAN: That does not constitute an amendment to the substitute and the Chair is constrained to sustain the point of order.

§ 1.10 Where there was pending an amendment to a section and a substitute therefor, the Chair indicated that amendments to the substitute should be drafted to the proper page and line number of the substitute rather than to comparable provisions of the original text.

On July 22, 1974,(15) during consideration of a bill in the Committee of the Whole, the Chair responded to a parliamentary inquiry as described above:

> MR. [KEN] HECHLER of West Virginia: A parliamentary inquiry, Mr. Chairman.
>
> THE CHAIRMAN:(16) The gentleman will state it.
>
> MR. HECHLER of West Virginia: If the substitute is adopted, offered by the gentlewoman from Hawaii, would

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proposition on which there has been no debate."

13. 93 CONG. REC. 4813, 80th Cong. 1st Sess. Under consideration was H.R. 2616, relating to assistance to Greece and Turkey.

14. Francis H. Case (S.D.).

15. 120 CONG. REC. 24453, 93d Cong. 2d Sess. Under consideration was H.R. 11500, Surface Mining Control and Reclamation Act of 1974.

16. Neal Smith (Iowa).

it be out of order to have amendments to that section? I would like to make that parliamentary inquiry prior to the ruling of the Chair.

The Chairman: Once the substitute is adopted, then a vote would be on the Hosmer amendment as amended by the substitute. Prior to the vote on the substitute, however, there could be amendments to the substitute. . . .

Mr. [Craig] Hosmer [of California]: If that is the case, how would one key in the amendments to the substitute, inasmuch as the substitute is basically a Xerox copy of section 201, with its original line numbers on some pages starting at line 18 and ending on line 13 and at other pages going to other delineations?

The Chairman: The Chair will state that the amendments must be drafted as an amendment to the substitute, rather than to a section of the committee amendment.

Mr. Hosmer: For example, if I may pursue my parliamentary inquiry, I have a substitute in my hand. It has got some numbers on it. I would want to offer a new section 201(a) as an amendment to the substitute. How should I fashion that amendment?

The Chairman: The Chair cannot anticipate every amendment; but the gentleman could draft the amendment to the proper page and line of the substitute.

Amendment Offered in Another's Name

§ 1.11 A Member may offer an amendment in his own name at the request of another, but he may not offer it in the other Member's name.

On June 23, 1945,(17) the following proceedings took place:

The Clerk read as follows:

> Amendment offered by Mr. [Jesse P.] Wolcott [of Michigan] (at the request of Mr. [James W.] Mott [of Oregon]): On page 1, line 9, after the period, add two new sections as follows: . . .

Mr. [John W.] McCormack [of Massachusetts]: I would like to inquire whether the amendment is offered by the gentleman from Oregon [Mr. Mott] or by the gentleman from Michigan [Mr. Wolcott] for the gentleman from Oregon.

The Chairman:(18) The amendment must be offered by the gentleman from Michigan.

Amendment Repealing Law

§ 1.12 In offering an amendment from the floor proposing the repeal of a law, it is not necessary for the sponsor of such amendment to include the language of the law sought to be repealed.

On Feb. 3, 1948,(19) the following proceedings took place:

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17. 91 Cong. Rec. 6620, 79th Cong. 1st Sess. Under consideration was H.J. Res. 101, extending the Price Control and Stabilization Acts.
18. Jere Cooper (Tenn.).
19. 94 Cong. Rec. 990, 80th Cong. 2d Sess. Under consideration was H.R. 4838, relating to admission of alien fiancees or fiances.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, I make the . . . point of order that it is out of order to offer an amendment to repeal a section of law without including that section of law to let the House know what it is we are trying to repeal. . . .

THE SPEAKER:(20) The Chair holds that the amendment is not subject to the point of order on the grounds that the gentleman from Mississippi has advanced.

Offering Committee Amendments

§ 1.13 Where the chairman of a committee states he is offering an amendment as a committee amendment, the Chair accepts the statement of the committee chairman in that respect.

On Aug. 25, 1949,(1) the following proceedings took place:

Committee amendment offered by Mr. [Brent] Spence [of Kentucky] as a substitute for the bill: Strike out all after the enacting clause and insert the following: "That this act may be cited as the 'Housing Amendments of 1949.'. . ."

MR. [FRANCIS H.] CASE of South Dakota: What is the position of the Chair with respect to the substitute being offered by the committee? The chairman of the committee has already stated that it is a substitute being offered by the committee itself.

THE CHAIRMAN:(2) The Chair has to accept the word of the chairman of the committee in this respect.

Amendment Offered by Speaker

§ 1.14 In rare instances, the Speaker has taken the floor to offer an amendment in the Committee of the Whole.

As an example, Speaker Sam Rayburn, of Texas, in the 86th Congress offered an amendment to the second supplemental appropriation bill of 1959.(3)

Distribution of Copies of Amendments

§ 1.15 Failure of the Clerk to promptly distribute 12 copies of an amendment offered in Committee of the Whole to the majority and minority committee tables and cloakrooms as required by Rule XXIII clause 5 is not grounds for a point of order against the consideration of the amendment.

On June 21, 1974,(4) during consideration in the Committee of the

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20. Joseph W. Martin, Jr. (Mass.).
1. 95 CONG. REC. 12258, 12259, 12263, 81st Cong. 1st Sess. Under consideration was H.R. 6070, to amend the National Housing Act.
2. Mike Mansfield (Mont.).
3. 105 CONG. REC. 5094, 86th Cong. 1st Sess., Mar. 24, 1959. The bill under consideration was H.R. 5916 (Committee on Appropriations).
4. 120 CONG. REC. 20609, 93d Cong. 2d Sess. Under consideration was H.R. 15472, agriculture, environment, and consumer appropriation, fiscal 1975.

Whole of a bill, the Chair ruled on a point of order as indicated below:

The Clerk read as follows:

> Amendment offered by Mr. Eckhardt: On page 47 strike line 13 and all that follows through line 24.

MR. [MARK] ANDREWS of North Dakota: Mr. Chairman, I make a point of order against the amendment on the ground that copies have not been delivered to the minority in accordance with clause 5 of rule XXIII.

MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, how many copies does the gentleman want?

MR. ANDREWS of North Dakota: None.

THE CHAIRMAN:(5) The rules provide that copies shall be provided the Clerk of the House. The point of order is not in order.

The gentleman from Texas is recognized for 5 minutes in support of his amendment.

§ 1.16 It is not the immediate responsibility of a Member offering an amendment to insure that copies of the amendment are distributed according to the requirements of Rule XXIII clause 5, and improper distribution will not prevent consideration of that amendment.

On Feb. 19, 1975,(6) during consideration in the Committee of the Whole of a bill,(7) the Chair responded to a point of order as indicated below:

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Ashbrook: On page 7 after line 24 insert a new section 5 (and number the succeeding Sections accordingly).
>
> Sec. 5. (a) Section 208(a) of the Regional Rail Reorganization Act of 1973. The sentence "The final system plan shall be deemed approved at the end of the first period of 60 calendar days of continuous session of Congress after such date of transmittal unless either the House of Representatives or the Senate passes a resolution during such period stating that it does not favor the final system." is amended by deleting the language after "shall" and inserting in lieu thereof "be voted by each House of Congress within the period of 60 calendar days of continuous session of Congress after such date of transmittal.". . .

See Rule XXIII clause 5(a), *House Rules and Manual* § 870 (101st Cong.), stating in part: "Upon the offering of any amendment by a Member, when the House is meeting in the Committee of the Whole, the Clerk shall promptly transmit to the majority committee table five copies of the amendment and five copies to the minority committee table. Further, the Clerk shall deliver at least one copy of the amendment to the majority cloak room and at least one copy to the minority cloak room."

(5) Sam Gibbons (Fla.).

(6) 121 CONG. REC. 3596, 94th Cong. 1st Sess.

(7) H.R. 2051, to amend the Regional Rail Reorganization Act of 1973.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I reserve a point of order. . . .

THE CHAIRMAN:(8) Does the gentleman from Michigan desire to be heard on his point of order?

MR. DINGELL: Mr. Chairman, I make the point of order on two bases, the first of which is that under the rules of the House the proponent must have made copies of the amendment available to the cloakroom of the majority and the minority. They must have made the necessary number of copies available both to the reading clerk and to the two committee desks. I have checked with both of the committee desks and find that this rule has not properly been complied with.

The second point of order, Mr. Chairman, is that the amendment goes beyond the scope of the legislation before us. . . .

THE CHAIRMAN: The Chair is prepared to rule.

On the first point of order as raised by the gentleman from Michigan, it is not the immediate responsibility of the Member under the rule to see that the distribution of the copies is made and consideration of the amendment cannot be prevented for that reason. Therefore the first point of order is overruled.

As to the second point made by the gentleman from Michigan, the Chair has examined the amendment as well as the "Ramseyer" in the report on the bill under consideration, and in the opinion of the Chair, the bill under consideration amends several sections of the act, and is so comprehensive an amendment as to permit germane amendments to any portion of the law. . . . Therefore the Chair overrules the point of order raised by the gentleman from Michigan.

§ 1.17 In response to a parliamentary inquiry, the Chairman of the Committee of the Whole indicated that the rule concerning distribution of proposed amendments by the Clerk (Rule XXIII clause 5) was a matter of courtesy, not mandate, and the Clerk's inability to distribute copies did not prohibit consideration of the amendment.

On Mar. 14, 1975,(9) the Committee of the Whole having under consideration H.R. 25, the Surface Mining and Reclamation Act, a parliamentary inquiry was directed to the Chair and the following proceedings occurred:

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8. Walter Flowers (Ala.).

9. 121 CONG. REC. 6708, 94th Cong. 1st Sess.

See Rule XXIII clause 5(a), *House Rules and Manual* § 870 (101st Cong.) stating in part: "Upon the offering of any amendment by a Member, when the House is meeting in the Committee of the Whole, the Clerk shall promptly transmit to the majority committee table five copies of the amendment and five copies to the minority committee table. Further, the Clerk shall deliver at least one copy of the amendment to the majority cloak room and at least one copy to the minority cloak room."

MR. [SAM] STEIGER of Arizona: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:(10) The gentleman will state his parliamentary inquiry.

MR. STEIGER of Arizona: Mr. Chairman, without a copy of the amendment, we cannot understand the purpose of the amendment.

I thought that under the new rules we are under some obligation to provide some sort of amendment in written form so that those Members who wish to go to the extra effort might read and understand what is going on.

Am I correct or incorrect, Mr. Chairman?

THE CHAIRMAN: It does not stop the consideration of an amendment, although that is supposed to be the custom.

MR. STEIGER of Arizona: Mr. Chairman, the rule is simply a matter of courtesy rather than one of mandate?

THE CHAIRMAN: The gentleman is correct.

§ 1.18 While Rule XXIII clause 5 imposes a duty on the Clerk to transmit to the majority and minority committee tables five copies of any amendment offered in Committee of the Whole, a point of order against the amendment does not lie based upon the inability of the Clerk to comply with that requirement.

On Mar. 25, 1976,(11) the Committee of the Whole having under consideration H.R. 12566,(12) a point of order was raised against an amendment and the Chair ruled as indicated above:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Bauman: On page 6, line 3 insert the following new section, and renumber the succeeding sections;
>
> "Sec. 9. Notwithstanding any other provision of law the Director of the National Science Foundation shall keep all Members of Congress . . . informed with respect to all the activities of the National Science Foundation. . . ."

MR. [JAMES W.] SYMINGTON [of Missouri]: Mr. Chairman, a point of order. We do not have five copies of the amendment as far as I can tell.

THE CHAIRMAN:(13) That is not a point of order, although the Chair hopes the copies will be provided.

§ 1.19 No point of order lies against an amendment by reason of the fact that exact copies of the amendment as submitted to, and read by, the Clerk have not been distributed, clause 5 of Rule XXIII only re-

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10. Neal Smith (Iowa).

11. 122 CONG. REC. 7997, 94th Cong. 2d Sess.

12. National Science Foundation authorization, fiscal 1977.

13. George E. Danielson (Calif.).

quiring distribution and not preventing consideration.

An example of the proposition stated above occurred on July 2, 1980,(14) during consideration of H.R. 7235, the Rail Act of 1980. The proceedings in the Committee of the Whole were as follows:

> MR. [JAMES J.] FLORIO [of New Jersey]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Florio: Page 103, line 14, insert "or (c)" immediately after "subsection (b)".
>
> Page 104, line 20, strike out the closing quotation marks and the following period.
>
> Page 104, after line 20, insert the following new subsection: . . .
>
> MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, I offer an amendment as a substitute for the amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Madigan as a substitute for the amendment offered by Mr. Florio:
>
> Page 103, line 14 insert "or (c)" immediately after "subsection (b)".
>
> Page 104, line 20, strike out the closing quotation marks and the following period. . . .
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Eckhardt to the amendment offered by Mr. Madigan as a substitute for the amendment offered by Mr. Florio: page 3, strike out lines 14 through 20.
>
> Page 3, line 5, strike out "(1)".
>
> Page 3, line 13, strike out "; or" and insert in lieu thereof a period.
>
> Pages 4 and 5, strike out "20,000" and insert in lieu thereof "5,000".
>
> MR. FLORIO: Mr. Chairman, I reserve a point of order.
>
> THE CHAIRMAN:(15) The gentleman from New Jersey reserves a point of order.
>
> MR. FLORIO: We have not got a copy of the amendment, and what was just shown does not comply with what was just read.
>
> THE CHAIRMAN: The Chair will advise the gentleman from New Jersey that the amendment that has been read is the amendment that is pending. The fact that the gentleman does not have a copy of the amendment does not give rise to a point of order.

§ 1.20 While an amendment offered in the House must be reduced to writing, there is no rule requiring distribution of copies to Members.

On June 25, 1981,(16) during consideration of House Resolution 169, providing for consideration of H.R. 3982, the Omnibus Budget Reconciliation Act of 1981, the proceedings in the House were as follows:

> MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 169 and ask for its immediate consideration.

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14. 126 CONG. REC. 18288, 18290–92, 96th Cong. 2d Sess.

15. Les AuCoin (Oreg.).

16. 127 CONG. REC. 14065, 14079, 14081, 97th Cong. 1st Sess.

The Clerk read the resolution as follows:

H. RES. 169

Resolved, That upon the adoption of this resolution it shall be in order to move, any rule of the House to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3982) to provide for reconciliation pursuant to section 301 of the first concurrent resolution on the budget for the fiscal year 1982, and the first reading of the bill shall be dispensed with. General debate shall continue not to exceed eight hours. . . .

After debate, the previous question was moved and rejected. The ranking minority member of the Committee on Rules then offered and amendment.

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Latta: Strike all after the resolving clause and insert in lieu thereof the following:

"That upon the adoption of this resolution it shall be in order to move, any rule of the House to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3982), to provide for reconciliation pursuant to section 301 of the first concurrent resolution on the budget for fiscal year 1982, and the first reading of the bill shall be dispensed with, and all points of order against said bill are hereby waived. . . .

MR. [THEODORE S.] WEISS [of New York]: Mr. Speaker, none of us in this body except perhaps the gentleman from Ohio and those closest to him have a copy of the proposed rule. None of us know what it is we are going to be asked to vote on. I raise that as a point of order against proceeding further until copies are distributed to us.

THE SPEAKER PRO TEMPORE:(17) The gentleman actually has not stated a point of order. The gentleman will simply have to inquire, and I am sure that copies of the amendment would be made available. . . .

The gentleman from New York will be advised that the contents of the amendment were read in full by the Clerk.

The gentleman is not in order to make such a point of order at this time.

§ 1.21 While Rule XXIII clause 5 directs the Clerk to promptly transmit copies of amendments which have been offered in Committee of the Whole to the majority and minority committee tables, no point of order lies against consideration of an amendment for failure to make copies immediately available.

On June 26, 1981,(18) the Committee of the Whole having under

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17. James C. Wright, Jr. (Tex.).
18. 127 CONG. REC. 14682, 14739, 97th Cong. 1st Sess.

consideration H.R. 3982,[19] the above-stated proposition was illustrated as indicated below:

Mr. [James T.] Broyhill [of North Carolina]: Mr. Chairman, I offer an amendment.

The Chairman:[20] Under the rule, the amendment is considered as having been read.

The amendment offered by Mr. Broyhill is as follows:

> Strike out title VI and insert in lieu thereof: . . .

Mr. [Richard L.] Ottinger [of New York]: Mr. Chairman, I have a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Ottinger: Mr. Chairman, I would like to know if under the rules of the House copies of this amendment are available.

My understanding is that changes have been made as recently as an hour ago and, under the rules of the House, amendments have to be available by the Member who has introduced it once it is introduced.

Therefore, I would like to inquire as to the availability of this amendment. I am one of the subcommittee chairmen involved in this amendment, and I would like to have a copy of the amendment in order to be able to deal with it.

The Chairman: The Chair will respond that it is the Clerk's responsibility to distribute the amendments if it is feasible. In any event, it is not subject to a point of order.

§ 1.22 A point of order does not lie against an amendment on the grounds that copies have not been delivered to the minority and majority desks and cloakrooms.

An example of the proposition described above occurred on May 4, 1983,[1] during consideration of House Joint Resolution 13 (concerning a nuclear weapons freeze). The proceedings in the Committee of the Whole were as follows:

Mr. [Norman D.] Dicks [of Washington]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Dicks as a substitute for the amendment offered by Mr. Levitas: In view of the matter proposed to be inserted, insert the following: "with negotiators proceeding immediately to pursuing reductions.".

Mr. [Elliott H.] Levitas [of Georgia]: Mr. Chairman, I have a point of order.

The Chairman:[2] The gentleman will state his point of order.

Mr. Levitas: Mr. Chairman, I make a point of order that copies of the amendment have not been delivered to the minority or majority desks or to the majority and minority cloakrooms.

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[19] The Omnibus Budget Reconciliation Act.

[20] Edward P. Boland (Mass.).

[1] 129 Cong. Rec. 11074, 98th Cong. 1st Sess.

[2] Matthew H. McHugh (N.Y.).

THE CHAIRMAN: The Chair will advise the gentleman that is not a point of order.

Amendment Printed in Record; Debate; Form Required

§ 1.23 While Rule XXIII clause 6 permits any Member who has printed an amendment in the Congressional Record five minutes of debate thereon despite time limitations imposed by the Committee of the Whole, the amendment must be offered in the precise form in which it was printed in the Record to assure time for debate, and an amendment printed in the Record to be offered to original text is not protected by the rule when offered in different form as an amendment to a pending substitute.

On July 22, 1974,(3) the Committee of the Whole having under consideration the bill, H.R. 11500, the Surface Mining Control and Reclamation Act of 1974, an inquiry was addressed to the Chair regarding debate on amendments which had been printed in the *Congressional Record*. The proceedings were as follows:

MR. [KEN] HECHLER of West Virginia: A parliamentary inquiry, Mr. Chairman.

THE CHAIRMAN:(4) The gentleman will state it.

MR. HECHLER of West Virginia: If the substitute is adopted, offered by the gentlewoman from Hawaii, would it be out of order to have amendments to that section? . . .

THE CHAIRMAN: Once the substitute is adopted, then a vote would be on the Hosmer amendment as amended by the substitute. Prior to the vote on the substitute, however, there could be amendments to the substitute. . . .

MR. [CRAIG] HOSMER [of California]: If that is the case, how would one key in the amendments to the substitute, inasmuch as the substitute is basically a Xerox copy of section 201, with its original line numbers on some pages starting at line 18 and ending on line 13 and at other pages going to other delineations?

THE CHAIRMAN: The Chair will state that the amendments must be drafted as an amendment to the substitute, rather than to a section of the committee amendment. . . .

MR. HECHLER of West Virginia: What about those Members who have had their amendments printed in the Record; would they then be entitled to transfer the 5 minutes to which they are eligible under the rules to amendments to the substitute?

THE CHAIRMAN: Debate on such amendments, assuming a limitation of time, would only be in order if the amendments were properly offered in the precise form in which they had been printed in the Record, and if the amendments had not been printed in the Record as amendments to the substitute, then debate would not be permitted.

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(3) 120 CONG. REC. 24453, 93d Cong. 2d Sess.

(4) Neal Smith (Iowa).

§ 1.24 While Rule XXIII clause 6 permits any Member who has printed an amendment in the Record five minutes of debate thereon notwithstanding any limitation imposed by the Committee of the Whole, the amendment must be offered in the precise form in which it was printed in the Record to guarantee its proponent time for debate, and an amendment printed in the Record to be offered to original text is not protected by the rule when offered in different form as an amendment to a pending substitute.

On July 25, 1974,(5) during consideration in the Committee of the Whole of the bill H.R. 11500, the Surface Mining Control and Reclamation Act of 1974, an amendment was offered and proceedings occurred as indicated below:

> Mr. [Joseph M.] McDade [of Pennsylvania]: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment to the committee amendment in the nature of a substitute. . . .
>
> The Clerk read as follows:
>
> Amendment offered by Mr. McDade to the amendment offered by Mr. Ruppe as a substitute for the amendment offered by Mr. Seiberling to the committee amendment in the nature of a substitute: Page 249, strike out lines 15 through 16 and insert in lieu thereof the following:
>
> (3) appropriations made to the fund, or amounts credited to the fund, under subsection (d). . . .
>
> The Chairman:(6) The Chair will advise the gentleman from Pennsylvania that the time has been set. The gentleman is not on the list.
>
> Mr. McDade: Mr. Chairman, may I say that I have this amendment printed in the Record. It has been printed for about 10 days.
>
> The Chairman: This is an amendment drafted as an amendment to the Ruppe substitute, whereas the amendment which the gentleman caused to be printed in the Record was drafted as an amendment to the committee amendment.

§ 1.25 An amendment must be offered in the precise form in which it was printed in the Congressional Record to guarantee its proponent time for debate notwithstanding a limitation imposed in Committee of the Whole.

On July 25, 1974,(7) during consideration in the Committee of the Whole of a bill,(8) the following

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5. 120 Cong. Rec. 25232, 93d Cong. 2d Sess.
6. Neal Smith (Iowa).
7. 120 Cong. Rec. 25253, 93d Cong. 2d Sess.
8. H.R. 11500, the Surface Mining Control and Reclamation Act of 1974.

proceedings occurred with regard to an amendment that was offered:

Mr. [Philip E.] Ruppe [of Michigan]: Mr. Chairman, I offer an amendment to the committee amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment offered by Mr. Ruppe to the committee amendment in the nature of a substitute: Page 282, line 14, after the period insert the following words: "The general elevation of the overall mined area may be lower than its original elevation. . . ."

The Chairman:(9) The Chair will ask the gentleman, Was this printed in the Record?

Mr. Ruppe: Something was printed in the Record similar to it, but I have changed the language somewhat.

The Chairman: It must be identical. If the amendment was not printed in the Record there can be a vote on the amendment but there will be no time for debate.

The question is on the amendment offered by the gentleman from Michigan (Mr. Ruppe) to the committee amendment in the nature of a substitute.

§ 1.26 The rule(10) which guarantees 10 minutes of debate on an amendment printed in the Record at least one calendar day prior to being offered does not permit the offering of an amendment which would not otherwise be in order.

On July 22, 1974,(11) during consideration in the Committee of the Whole of a bill(12) the Chair responded to several parliamentary inquiries regarding the offering of amendments. The proceedings were as follows:

Mr. [Morris K.] Udall [of Arizona]: Mr. Chairman, I move that all debate on the pending Hosmer amendment and the Mink substitute for that amendment and all perfecting amendments to either close at 40 minutes past 4 o'clock. . . .

Mr. [John D.] Dingell [of Michigan]: Mr. Chairman, a parliamentary inquiry.

The Chairman:(13) The gentleman will state it.

Mr. Dingell: Mr. Chairman, reserving the right to object for the purpose of making a parliamentary inquiry, as I understand there are a number of us who do have amendments to the bill itself or which are appropriate to the substitute amendment offered by the gentlewoman from Hawaii or the gentleman from California.

Now, what is the ruling of the Chair with regard to the limitation of time on section 201? Are those amendments published in the Record foreclosed from the 5-minute rule by reason of the debate here, or foreclosed by expiration of the time under the clock, if

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9. Neal Smith (Iowa).
10. Rule XXIII clause 6, *House Rules and Manual* § 874 (101st Cong.).
11. 120 Cong. Rec. 24459, 24460, 93d Cong. 2d Sess.
12. H.R. 11500, Surface Mining Control and Reclamation Act of 1974.
13. Neal Smith (Iowa).

the time does expire from even offering an amendment?

The Chairman: If section 201 of the bill is later open to amendment due to adverse disposition of the Mink substitute and the Hosmer amendment, then those rights would obtain; but those rights would be foreclosed if no further amendments to section 201 were in order. . . .

Mr. Dingell: The provisions of the rule relating to 5 minutes of time for a Member where he has published his amendment in the Record in appropriate fashion will not be protected if either the Mink amendment or the amendment to the amendment of Mr. Hosmer is adopted; am I correct?

The Chairman: If the substitute is adopted to the Hosmer amendment and then the Hosmer amendment as amended by the substitute is adopted, further amendments to section 201 could not be offered. Therefore, there would be no further amendments appropriate. . . .

Mr. [Wayne L.] Hays [of Ohio]: Mr. Chairman, is it not true that if, under the gentleman's motion, an amendment—I am now giving a hypothetical situation—the Mink substitute for that portion of the Hosmer amendment were to prevail, and the Hosmer amendment would be defeated, is it not true that the rest of that section which the Mink substitute does not pertain to would be proper to amend at any point?

The Chairman: If the entire section has been amended, further amendments to that section would not be in order.

Mr. Hays: Not if the Hosmer substitute were defeated, it would not be true, would it? Just to section 201?

The Chairman: If the Mink substitute is adopted, the vote would then recur on the Hosmer amendment since it is a substitute for the entire amendment. If the Hosmer amendment were then adopted, section 201 would not be open to amendment.

§ 1.27 Where a special order governing consideration of a bill requires amendments to have been printed in the Record prior to their consideration, the Chair normally relies upon assurances of the proponent of the amendment that it is in the precise form as printed in the Record, but may insist in response to a point of order that the proponent cite the page of the Record.

On Aug. 3, 1983,(14) the situation described above was demonstrated during consideration of H.R. 2957(15) in the Committee of the Whole. The proceedings were as follows:

Mr. [Ronald E.] Paul [of Texas]: Mr. Chairman, I offer an amendment.

The Chairman:(16) The Chair will inquire of the gentleman from Texas

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14. 129 Cong. Rec. 22653, 98th Cong. 1st Sess.
15. International Recovery and Financial Stability Act.
16. Donald J. Pease (Ohio).

(Mr. Paul) as to whether the amendment has been printed in the Record.

Mr. Paul: Yes, it has been, Mr. Chairman.

The Chairman: The Clerk will report the amendment. . . .

Mr. [Fernand J.] St Germain [of Rhode Island]: Mr. Chairman, I would like to ask one question.

In calling up my amendment a few moments ago, I gave the date that it was printed in the Record and the page number at which it appeared.

Would it be possible to require that of other amendments that are submitted so that we could save a lot of time?

The Chairman: The Chair would state that it would be highly desirable if Members offering amendments would be prepared to state at the time of offering the amendments the page number and date of the Congressional Record where the amendment is cited. It has not been treated as an absolute requirement unless a point of order is raised. The Chair will take on the faith of Members the statement that it has been printed in the Record, but it certainly would expedite the consideration of the bill if Members would be prepared to do that.

Instructions as to Portion of Bill To Be Amended

§ 1.28 An amendment must contain instructions to the Clerk as to the portion of the bill it seeks to amend, and is subject to a point of order if not proper in form.

Where the House had adopted a special order permitting only amendments printed in the Record, a Member who had incorrectly submitted an amendment for printing which was part of another amendment and which did not contain separate instructions as to where it would be inserted in the bill was precluded on a point of order from offering the amendment. The proceedings in the Committee of the Whole on Oct. 3, 1985,(17) were as follows:

The Chairman:(18) The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Conte: Page 211, line 12, add the following after the period: "The term 'payments' as used in this section shall include the amount by which any repayment of construction costs pursuant to Federal reclamation law (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof and supplementary thereto) is exceeded by the full cost, as defined by section 202(3)(A)-(C) of the Reclamation Reform Act of 1982 (Public Law 97-293, 96 Stat. 1263), less $5,000.". . .

After debate on the amendment, it became apparent that the proponent, Mr. Conte, of Massachusetts, was addressing his remarks to an amendment other than that read by the Clerk.

The Chairman: Will the gentleman from Massachusetts give the Chair his attention on this issue?

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17. 131 Cong. Rec. 25970, 25971, 99th Cong. 1st Sess.

18. David E. Bonior (Mich.).

The Clerk reported an amendment offered by the gentleman from Massachusetts dealing with reclamation.

It would be in order for the gentleman from Massachusetts (Mr. Conte) to ask unanimous consent that the amendment as reported be the one that the gentleman printed in the Record and spoke to concerning honey. Does the gentleman make that request at this time?

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, I ask unanimous consent that the amendment that I offered pertain to this honeybee amendment. The Clerk now has it at the desk.

THE CHAIRMAN: Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

> Amendment offered by Mr. Conte:
> (1) Section 201 of the Agriculture Act of 1949; 7 U.S.C. 1446 is amended by striking in the first sentence the word "honey."
> (2) Subsection (b) of such section is hereby repealed.

THE CHAIRMAN: Does the gentleman from Texas continue to reserve on his point of order?

MR. [KIKA] DE LA GARZA [of Texas]: Yes, Mr. Chairman. This is the amendment I was reserving the point of order on. . . .

Mr. Chairman, if I may be heard on my point of order, I would not object to the gentleman having made his plea for the amendment. But the amendment as printed in the Record, Mr. Chairman, does not designate a proper page or title or section of the bill, and for that reason I would submit that it is out of order. . . .

MR. CONTE: Mr. Chairman, when we submitted the amendments, unfortunately the printer put them en bloc. That was the unfortunate part, but I feel the amendment is germane, and it is germane to section X of the bill.

THE CHAIRMAN: The Chair is prepared to rule.

The Chair will rule that the amendment as submitted was not correctly printed as a separate amendment, and the Chair will sustain the point of order of the gentleman from Texas.

Parliamentarian's Note: Despite the unanimous consent agreement to separate the honeybee amendment from the reclamation amendment, it was still subject to the point of order that it did not contain proper instructions as to where it would be inserted in the bill.

Amendment Printed in Record—Copy Submitted to Clerk

§ 1.29 The Chair announced, at the conclusion of general debate on a bill being considered under a special rule permitting only germane amendments printed in the Record, that Members should submit legible copies of their amendments to the Clerk rather than rely upon the Clerk to locate the text printed in the Record.

On June 9, 1975,(19) the Committee of the Whole having con-

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19. 121 CONG. REC. 17907, 94th Cong. 1st Sess.

cluded general debate on the bill H.R. 6860,[20] the Chair made an announcement as described above. The proceedings were as follows:

> The Chairman:[1] The Chair desires to make a statement regarding the procedure tomorrow when this bill is read for amendment.
>
> A number of amendments have been printed in the Congressional Record and are protected for consideration under the provisions of the rule governing the consideration of the bill. However, Members who have had amendments printed in the Record must still seek recognition to offer their amendments. When a Member seeks recognition at the appropriate time to offer an amendment, he must send a legible copy, in the precise form as submitted for printing in the Record, to the desk to be reported by the Clerk. It would place an inordinate burden on the Clerk to search through the Record to find the amendment offered.

Amendment Printed in Record—Page Designation Left Blank

§ 1.30 Where a special rule made in order the text of a bill as an amendment and also permitted the precise text of an amendment—printed in the Record with a page designation left blank—to be offered as an amendment thereto, the Chair overruled a point of order that the amendment to the amendment, when offered, contained a page reference to the original amendment which had been left blank in the Record version, since the page insertion did not change the point at which the language was intended to be inserted in the original amendment.

On Apr. 1, 1976,[2] the Chair, in overruling a point of order, stated that, while an amendment must ordinarily be in the precise form permitted under a special "modified closed rule" under which only specified amendments printed in the Record could be offered, where that amendment had been inserted in the Record without a page reference but with language indicating its point of insertion, the amendment was in substantial compliance with the special rule when offered in identical form but also including a page designation. The proceedings were as follows:

> Mr. [Timothy] Wirth [of California]: Mr. Chairman, I offer an amendment to the amendment.
>
> The Clerk read as follows:

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[20] Energy Conservation and Conversion Act of 1975.

[1] William H. Natcher (Ky.).

[2] 122 Cong. Rec. 9090, 9091, 94th Cong. 2d Sess. Under consideration was H.R. 12406, Federal Election Campaign Amendments of 1976.

> Amendment offered by Mr. Wirth to the amendment offered by Mr. Phillip Burton: Page 14, immediately after section 9057(c) of the Internal Revenue Code of 1954, as added by the amendment offered by Mr. Phillip Burton, insert the following:
>
> "(d) LIMITATION.—The Commission shall, not later than April 1 of each election year, determine whether the amount of moneys in the Congressional Election Payment Account will be sufficient to make all payments to which candidates will be entitled under this chapter during such election year. . . ."

MR. [ROBERT E.] BAUMAN [of Maryland] (during the reading): Mr. Chairman, I have heard the Clerk read the amendment, and that was not the amendment that was printed in the Record of March 29, 1976. . . .

Mr. Chairman, rule XXIII, clause 6. says, in part:

> Material placed in the Record pursuant to this provision shall indicate the full text of the proposed amendment, the name of the proponent Member, the number of the bill to which it will be offered and the point in the bill or amendment thereto where the amendment is intended to be offered, and shall appear in a portion of the Record designated for that purpose.

Mr. Chairman, on page H2500, of the March 29 Record, to which the rule specifically makes mention, this particular Wirth amendment appears as the beginning line with the page blank. Immediately after subsection 9057(c) there is no page 14 designated, and the Clerk just read page 14.

Mr. Chairman, it is not the same amendment.

THE CHAIRMAN:(3) The Chair has examined the situation. To the best of his knowledge, there are no precedents. Under the circumstances, it would have been difficult if not impossible for the gentleman to have had the page number when he printed his amendment in the Record, and the Chair believes that the omission of the page number alone does not keep the amendment from being in substantial compliance with the rule. In all other respects, the amendment printed in the Record does indicate the point at which the amendment is to be inserted into the amendment of the gentleman from California.

The Chair overrules the point of order.

Draftsmanship of Amendment; Query as to Effect of Amendment

§ 1.31 It is for the Committee of the Whole, and not the Chairman, to determine whether an amendment is properly drafted to accomplish its stated purpose; thus, an ambiguity in the wording of an amendment, or a question as to the propriety of draftsmanship of an amendment to accomplish a particular legislative purpose, should not be questioned on a point of order but is an issue to be disposed of on the merits.

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3. Richard Bolling (Mo.).

On Feb. 4, 1976,(4) during consideration of H.R. 9464,(5) in the Committee of the Whole, the Chair overruled a point of order that was made against an amendment, as described above. The proceedings were as follows:

Mr. [William M.] Brodhead [of Michigan]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment offered by Mr. Brodhead to the amendment in the nature of a substitute offered by Mr. Krueger: Strike out section 105 and designate the succeeding sections of title I accordingly.

Mr. [Clarence J.] Brown of Ohio: Mr. Chairman, I reserve a point of order on the amendment. . . .

Mr. Chairman, my point of order against the amendment mentioned is that while it has a purpose with which I am not totally unsympathetic, it does not make the conforming amendments necessary to accomplish that purpose without leaving a lot of loose ends hanging in the legislation. For example, it strikes section 105, which is entitled, "Prohibition of the Use of Natural Gas as Boiler Fuel."

In section 102, the "purpose" section of the amendment, it says:

> . . . to grant the Federal Energy Administration authority to prohibit the use of natural gas as boiler fuel;

That would be left in the legislation without any language under this section 105 which provides for that.

I think there are other references in the language that I have not had a chance to dig out.

I would suggest that if the gentleman from Michigan would like to withdraw his amendment, I think that we can provide the gentleman with an amendment that would have all the necessary conforming language.

The Chairman:(6) The Chair will state that the gentleman from Ohio (Mr. Brown) is no longer speaking on his point of order. The Chair will state that the question the gentleman from Ohio raises is not a valid point of order, it is rather a question of draftsmanship and the Chair overrules the point of order.

If the gentleman from Ohio desires to be heard in opposition to the amendment offered by the gentleman from Michigan (Mr. Brodhead) then the Chair would be glad to recognize the gentleman for 5 minutes.

§ 1.32 It is not within the province of the Chair to interpret the consistency or effect of an amendment to an amendment.

On Sept. 8, 1976,(7) during consideration of H.R. 10498 (the

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4. 122 Cong. Rec. 2371, 94th Cong. 2d Sess. See also the proceedings at 115 Cong. Rec. 31867, 31886, 31888, 91st Cong. 1st Sess., Oct. 28, 1969, relating to a point of order raised by Mr. Frank T. Bow, of Ohio, against an amendment to H.J. Res. 966, a bill providing for continuing appropriations for fiscal 1970.
5. Natural Gas Emergency Act of 1976.
6. Richard Bolling (Mo.).
7. 122 Cong. Rec. 29234-36, 94th Cong. 2d Sess.

Clean Air Act Amendments of 1976), several parliamentary inquiries were directed to the Chair regarding the effect of a pending amendment. The proceedings were as follows:

Mr. [Paul G.] Rogers [of Florida]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Rogers: Page 216, after line 23, insert:
>
> (f) The Clean Air Act, as amended by sections 306, 201, 304, 312, 313, 108, and 211 of this Act, is further amended by adding the following new section at the end thereof:
>
> "NATIONAL COMMISSION ON AIR QUALITY
>
> "Sec. 325. (a) There is established a National Commission on Air Quality which shall study and report to the Congress on—
>
> "(1) the effects of the implementation of requirements on the States or the Federal Government under this Act to identify and protect from significant deterioration of air quality, areas which have existing air quality better than that specified under current national primary and secondary standards. . . .
>
> "(1) There are authorized to be appropriated, for use in carrying out this section not to exceed $17,000,000.
>
> "(j) In the conduct of the study, the Commission is authorized to contract with nongovernmental entities that are competent to perform research or investigations in areas within the Commission's mandate, and to hold public hearings, forums, and workshops to enable full public participation."

Mr. [Andrew] Maguire [of New Jersey]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Maguire to the amendment offered by Mr. Rogers: In the last sentence of section 160(c)(1) of the text inserted by the Rogers amendment, strike out ", class II, or class III" and substitute "or class II". . . .

The Maguire amendment sought to modify portions of the Rogers amendment relating to standards of air quality applicable in a type or category of area. Mr. Maguire explained the effect of his amendment as follows:

Mr. Maguire: Mr. Chairman, I am introducing an amendment to the portion of the Clean Air Act amendments dealing with significant deterioration of the air in areas of our country which still have to some degree clean air. I am proposing that we eliminate the class III category from the bill. If we do that, we will be composing our bill essentially with the bill approved earlier by the Senate by a vote of 63 to 31.

As many of the Members know, I originally proposed an amendment to this section which included other changes to the committee bill in addition to this, but I am offering here simply the elimination class III.

There is a very simple reason for getting rid of the class III designation. Class III virtually entirely subverts the intention of this section of the bill. Supposedly we are trying to prevent significant deterioration of our air. We are trying to prevent it from being unnecessarily degraded. But what does class III do? It allows an increase of 50 percent of the lowest national air quality standard for each pollutant in any clean air area designated as class III. This means, for example, that most areas of the country which limited pollution by sulfur oxides would be permitted to deteriorate to the levels of concentration in cities such as Los Angeles and Detroit—which hardly seems to fit with our objective of retaining our clean air. . . .

Why should we eliminate class III?

Because the levels of pollution it would allow are clearly harmful to health.

And because the massive additional increments in pollution it would encourage clearly involve major economic costs to our society.

MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Chairman, my parliamentary inquiry is: How does the amendment that has been offered by the gentleman from New Jersey amend the amendment offered by the gentleman from Florida?

THE CHAIRMAN:(8) The amendment was offered as an amendment to the amendment and the Chair cannot make an interpretation of the effect of the amendment.

MR. BROYHILL: My parliamentary inquiry further would be is it the intention to strike out the language offered by the gentleman from Florida and insert this language in lieu of that language? We are unclear on this side and would like to have a clarification from the Chair or from someone.

THE CHAIRMAN: The Chair will state to the gentleman from North Carolina that this is not really a proper parliamentary inquiry. The Chair cannot comment further on the offering of the amendment to the amendment, since a point of order was not raised at the appropriate time.

§ 1.33 It is not within the province of the Chair or of the Clerk to analyze the effect of amendments; thus, although an amendment may be re-read by unanimous consent in Committee of the Whole, it is not in order to ask unanimous consent that the Clerk read or inform the Committee of the "differences" between two pending amendments.

On Apr. 6, 1977,(9) during consideration of a bill(10) in the Committee of the Whole, the Chair indicated that, while it was in order for the Clerk to re-read an amendment, it was not in order to request the Clerk to read differences between amendments. The proceedings were as follows:

> THE CHAIRMAN:(11) The Clerk will read the first committee amendment.
>
> The Clerk read as follows:
>
> > Committee amendment: Page 5, immediately after line 5, insert the following new title:

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(8) J. Edward Roush (Ind.).

(9) 123 CONG. REC. 10771, 10773, 95th Cong. 1st Sess.

(10) H.R. 5262, providing for increased participation by the United States in international financial institutions.

(11) Robert Duncan (Oreg.).

Title V—African Development Fund

Sec. 501. Section 206(a) of the African Development Fund Act (22 U.S.C. 290g-4(a)) is amended by striking out "$25,000,000" and inserting in lieu thereof "$175,000,000". . . .

MR. [PAUL E.] TSONGAS [of Massachusetts]: Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

> Amendment offered by Mr. Tsongas to the committee amendment: Strike out all after "section 501" and insert "section 206(a) of the African Development Fund Act (22 U.S.C. 290-g4(a)) is further amended by adding the following at the end thereof: "In addition there is hereby authorized to be appropriated such sums as may be necessary, consistent with, and after consultation with, the other nations involved.". . .

MR. [CHALMERS P.] WYLIE [of Ohio]: Mr. Chairman, I offer an amendment as a substitute for the committee amendment.

The Clerk read as follows:

> Amendment offered by Mr. Wylie as a substitute for the committee amendment: In lieu of the committee amendment insert the following:
>
> "Sec. 501. Section 206(a) of the African Development Fund Act (22 U.S.C. 290g-4(a)) is further amended by adding the following at the end thereof: 'In addition there is hereby authorized to be appropriated such sums as may be necessary, consistent with, and after consultation with, the other nations involved.'
>
> "The Secretary of the Treasury is directed to begin discussions with other donor nations to the African Development Fund for the purpose of changing the voting structure within the Fund to reflect actual contributions by Fund members.". . .

MR. TSONGAS: Mr. Chairman, I ask unanimous consent that the difference between my amendment and the amendment now being considered be read, so that we would understand not what the similarities are, but what the differences are.

THE CHAIRMAN: Does the gentleman want the substitute read again?

MR. TSONGAS: No. The difference between the substitute, which was read, and the substitute now being considered, specifically, the language directing the Secretary of the Treasury.

THE CHAIRMAN: Both amendments have been read and the clerk cannot be placed in the position of analyzing differences. The amendment offered by the gentleman from Massachusetts (Mr. Tsongas) is not a substitute. It is an amendment to the committee amendment.

§ 1.34 Although the Chair may indicate in response to a parliamentary inquiry the form of a pending amendment and the proposition to which it is offered, it is not within the province of the Chair to indicate the substantive effect of the amendment on pending provisions of the bill.

On Aug. 2, 1977,(12) the Committee of the Whole had under

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12. 123 CONG. REC. 26158, 26160, 26161, 95th Cong. 1st Sess.

consideration H.R. 8444, the National Energy Act. An amendment, referred to in the proceedings as the "Mikulski amendment," was offered as follows:

> **The Chairman:**(13) The Clerk will designate the page and the line number of the ad hoc committee amendment [the "Mikulski amendment"] to part III.
>
> The Clerk read as follows:
>
> Ad hoc committee amendment: Page 146, insert the matter in italics on lines 2 through 5, and on page 169, insert the matter on page 169, line 3 through page 180, line 7.
>
> [The ad hoc committee amendment reads as follows:]
>
> PART III—ENERGY CONSERVATION PROGRAM FOR SCHOOLS AND HEALTH CARE FACILITIES AND BUILDINGS OWNED BY UNITS OF LOCAL GOVERNMENT
>
> . . . It is the purpose of this part to authorize grants to States and units of local government to assist in identifying and implementing energy conservation maintenance and operating procedures to reduce the energy use and anticipated energy costs of buildings owned by units of local government. . . .
>
> "Sec. 400B. (a) The Administrator is authorized to make grants to—
>
> "(1) States and units of local government to assist in conducting preliminary energy audits for buildings owned by units of local government, and
>
> "(2) States and units of local government in payment of technical assistance program costs for technical assistance programs for buildings owned by units of local government.
>
> "(b) The Federal share of the costs incurred in connection with any preliminary energy audit or any technical assistance program, shall not exceed 50 percent thereof and the remainder of the costs shall be provided from sources other than Federal funds. . . .

Mr. William D. Ford, of Michigan, offered an amendment:

> **Mr. Ford** of Michigan: Mr. Chairman, I offer an amendment to the ad hoc committee amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Ford of Michigan to the ad hoc committee amendment: At the end of the committee amendment on page 180, insert the following new section:
>
> "Sec. 5. Application of Davis-Bacon Act.
>
> "The Federal employee or officer primarily responsible for administering any program established under any provision of, or amendment made by title I of this Act which provides for Federal funding shall take such steps as are necessary to insure that all laborers and mechanics employed by contractors or subcontractors in the performance of work on any construction utilizing such funds will be paid at rates not less than those prevailing on similar construction in the locality . . . ."
>
> **Mr. [William A.] Steiger** [of Wisconsin]: Mr. Chairman, did we adopt the ad hoc amendment which is known as the Mikulski amendment?
>
> **The Chairman:** This is an amendment to the ad hoc amendment, the Chair will advise the gentleman. . . .
>
> **Mr. [John B.] Anderson** of Illinois: Mr. Chairman, it was my understanding under the rule previously adopted that we would proceed to a consideration of all 23 of the amendments

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[13] Edward P. Boland (Mass.).

adopted in the ad hoc committee and that any other amendments would be subsequent to that.

Can the Chair enlighten us as to what the procedure will be?

The Chairman: We are only treating the ad hoc committee amendments to the pending part of the bill under the rule, which makes the amendment of the gentleman from Michigan (Mr. Ford) in order to the pending committee amendment. . . .

Mr. [Clarence J.] Brown of Ohio: [Is the Ford amendment] an amendment to the Mikulski amendment, [or] an amendment to this part of the bill?

The Chairman: It is an amendment to the ad hoc committee amendment, which in reality is the Mikulski amendment.

Mr. Brown of Ohio: And the ad hoc committee amendment is to what?

The Chairman: The ad hoc committee amendment begins on page 169 [and continues] to page 180.

Mr. Brown of Ohio: Is this amendment then an amendment to all of the part addressed by the ad hoc committee amendment? That is what I am trying to inquire.

The Chairman: The Ford amendment adds a new section at the end of the ad hoc committee amendment on page 180.

Mr. Brown of Ohio: Mr. Chairman, could the Chair perhaps with specificity indicate to me what the Ford amendment, if adopted, will amend; what language will it amend? Will it amend the language currently in the bill and in the Mikulski amendment or will it amend the Mikulski amendment only and that, if adopted, will amend the bill?

The Chairman: The Chairman cannot construe the effect of the amendment. The Chair can only indicate where the amendment comes and the amendment comes at the end of the committee amendment, adding a new section to the ad hoc committee amendment.

§ 1.35 It is not within the province of the Chair to respond to a parliamentary inquiry on the substance or effect of an amendment, such as its similarity to another amendment.

An example of the situation described above occurred on June 14, 1979,(14) during consideration of H.R. 4388(15) in the Committee of the Whole. The proceedings were as follows:

The Clerk read as follows:

> Amendment offered by Mr. Dingell as a substitute for the amendment offered by Mr. Dodd: Page 11, lines 21 through 24, strike out section 103.
>
> Page 9, line 14, after the period, insert the following: "None of the funds appropriated for the Federal Energy Regulatory Commission under this paragraph in excess of $550,000 shall be used to pay expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded under this paragraph.". . .

Mr. [Peter A.] Peyser [of New York]: Mr. Chairman, in hearing with

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14. 125 Cong. Rec. 14993–95, 96th Cong. 1st Sess.

15. Energy and water development appropriation bill for fiscal 1980.

some difficulty the amendment as it was being read, I am asking the Chair is the amendment of the gentleman from Michigan (Mr. Dingell) similar to the amendment of the gentleman from Connecticut (Mr. Dodd) without the Johnson amendment?

The Chairman:(16) The Chair can only indicate that it appears to be germane and cannot get into the substance of the amendment.

§ 1.36 The Chair will not anticipate whether an amendment not yet offered or available to him for examination might be precluded by adoption of a pending amendment.

The proceedings of June 26, 1979,(17) illustrate the principle that the Chair will decline to rule on hypothetical or anticipatory questions. An amendment was offered during consideration of H.R. 3930, the Defense Production Act Amendments of 1979:

> Amendment offered by Mr. Udall: Page 8, after line 13 add the following new subsection and renumber the subsequent sections accordingly:
>
> (g)(1) The Secretary of Energy is hereby authorized to designate a proposed synthetic fuel or feedstock facility as a priority synthetic project pursuant to the procedures and criteria provided in this section. . . .
>
> Mr. [Morris K.] Udall [of Arizona] (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record. . . .
>
> Mr. [Clarence J.] Brown of Ohio: Mr. Chairman, reserving the right to object, I wish to make a point of order. Mr. Chairman, the amendment which I had offered and had printed in the Record would be an appropriate substitute amendment for the amendment offered by the gentleman from Arizona (Mr. Udall). Under the time limitation, if I understand correctly, I have 5 minutes to offer that amendment.
>
> The Chairman:(18) That is correct if offered in the proper form.
>
> Mr. Brown of Ohio: But if this amendment is not amended by my amendment and succeeds, then I may be precluded from offering that amendment; is that correct?
>
> The Chairman: It would be difficult for the Chair to rule on that without having seen the gentleman's amendment.

§ 1.37 The Chair declines to make anticipatory rulings and will not prejudge the propriety of amendments at the desk as to whether they will be preempted by adoption of a pending amendment until they are offered.

On Dec. 18, 1979,(19) the Committee of the Whole having under

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16. Philip R. Sharp (Ind.).
17. 125 Cong. Rec. 16681, 16682, 96th Cong. 1st Sess.
18. Gerry E. Studds (Mass.).
19. 125 Cong. Rec. 36794, 36801, 96th Cong. 1st Sess.

consideration H.R. 5860,(20) the above-stated proposition was illustrated as indicated below:

The Clerk read as follows:

> Amendment offered by Mr. Brademas to the amendment in the nature of a substitute offered by Mr. Moorhead of Pennsylvania: Strike line 7, page 5, through line 7, page 9, (section 4(a)(4) through section 4(d)) and replace with the following:
>
> (4) the Corporation has submitted to the Board a satisfactory financing plan which meets the financing needs of the Corporation as reflected in the operating plan for the period covered by such operating plan, and which includes, in accordance with the provisions of subsection (c), an aggregate amount of nonfederally guaranteed assistance of not less than $1,930,000,000. . . .

MR. [MICKEY] EDWARDS of Oklahoma: Mr. Chairman, I have an amendment at the desk to section 4 of the Moorhead substitute as does the gentleman from Oregon (Mr. Weaver). Would our amendments be in order if the Brademas amendment passes?

THE CHAIRMAN:(21) The Chair will have to examine them if and when offered.

§ 1.38 It is not a proper parliamentary inquiry to ask the Chair to characterize an amendment on which a separate vote has been demanded.

An example of the proposition described above occurred on May 31, 1984,(1) during consideration of H.R. 5167, the Department of Defense authorization bill.

THE SPEAKER PRO TEMPORE:(2) The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

> Amendment: Page 131, after line 2, insert the following new title. . . .

MR. [LAWRENCE J.] SMITH of Florida: Mr. Speaker, might I inquire of the Chair if this amendment just read by the Clerk would be commonly known as the Stratton amendment on nuclear winter?

THE SPEAKER PRO TEMPORE: The Chair will advise the gentleman that that is not a parliamentary inquiry.

Chair's Determination as to Propriety of Form in Absence of Point of Order

§ 1.39 The Chair may examine the form of an offered amendment to determine its propriety and may rule it out of order even where no point of order is raised from the floor, and debate has begun.

On May 8, 1980,(3) during consideration of S. 1309(4) in the Com-

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20. Authorizing loan guarantees to the Chrysler Corporation.

21. Richard Bolling (Mo.).

1. 130 CONG. REC. 14677, 98th Cong. 2d Sess.

2. James C. Wright, Jr. (Tex.).

3. 126 CONG. REC. 10421, 96th Cong. 2d Sess.

4. The Food Stamp Amendments of 1980.

mittee of the Whole, the situation described above occurred as follows:

The Chairman:[5] When the Committee of the Whole rose on Wednesday, May 7, section 1 had been considered as having been read and open to amendment at any point. It shall be in order to consider an amendment to title I of said substitute printed in the Congressional Record on April 30, 1980, and said amendment shall not be subject to amendment except for the offering of pro forma amendments for the purpose of debate. No further amendments are in order which further change or affect the Internal Revenue Code.

Are there any amendments to section 1?

Mr. [Robert S.] Walker [of Pennsylvania]: Mr. Chairman, I offer an amendment in the nature of a substitute. . . .

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Walker: Page 39, after line 22 insert the following new title:

Mr. Walker (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The Chairman: Is there objection to the request of the gentleman from Pennsylvania?

There was no objection. . . .

The Chairman: The gentleman will suspend for just a moment. The Chair is advised by the Parliamentarian that the gentleman has not offered a proper amendment in the nature of a substitute here. An amendment in the nature of a substitute would strike everything after the enacting clause. This is an amendment adding a new title III.

Mr. Walker: Mr. Chairman, it was my understanding that the amendment was prepared in the form of a substitute.

The Chairman: The amendment at the desk is not prepared in that form, the Chair is advised. When the committee reaches title II, the first part of the gentleman's amendment would be in order. The Chair will rule that the amendment is not pending at this time. . . .

Are there any amendments to section 1?

Mr. [Steven D.] Symms [of Idaho]: Mr. Chairman, I offer an amendment.

The Chairman: The gentleman from Idaho has an amendment to section 1. This is the short title of the bill.

Mr. Symms: It is on page 24, Mr. Chairman.

The Chairman: The Chair doubts that that is an amendment to section 1. The amendment of the gentleman form Idaho (Mr. Symms) is not to section 1, but to title I.

The Clerk will read title I.

§ 1.40 While a perfecting amendment to a pending substitute should retain some portion of the substitute so as not to be in effect a substitute in the third degree, the Chair is not obliged to look behind the form of the amendment in the absence of a timely point of order from the

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[5] Paul Simon (Ill.).

floor to determine whether it is a proper perfecting amendment.

On July 26, 1984,(6) in response to a parliamentary inquiry after debate had begun on a pending amendment to a substitute, the Chair indicated that the amendment had been prefaced as a perfecting amendment rather than as a substitute (although actually drafted as a substitute to replace all language).

MR. [WILLIAM F.] GOODLING [of Pennsylvania]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Goodling: Add at the end of the bill the following new title. . . .

MR. [WILLIAM D.] FORD of Michigan: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Ford of Michigan as a substitute for the amendment offered by Mr. Goodling: Add at the end of the bill the following new title. . . .

MR. GOODLING: Mr. Chairman, I offer a perfecting amendment to the amendment offered by the gentleman from Michigan (Mr. Ford) as a substitute for my amendment.

The Clerk read as follows:

> Perfecting amendment offered by Mr. Goodling to the amendment offered by Mr. Ford of Michigan as a substitute for the amendment offered by Mr. Goodling: In lieu of the matter proposed to be inserted insert the following. . . .

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Chairman, inasmuch as the perfecting amendment was not read, I am wondering if it happens to be an amendment in the third degree.

THE CHAIRMAN PRO TEMPORE: The Chair would advise the gentleman that this amendment was offered as an amendment to the substitute and not referred as a substitute which would be in the third degree.

MR. PERKINS: Drafted to the substitute that is being offered by the gentleman from Michigan (Mr. Ford)?

THE CHAIRMAN PRO TEMPORE: The Chair would advise the gentleman that that is correct.

MR. [STEVE] BARTLETT [of Texas]: Mr. Chairman, I yield back the balance of my time.

THE CHAIRMAN PRO TEMPORE:(7) The question is on the perfecting amendment offered by the gentleman from Pennsylvania (Mr. Goodling) to the amendment offered by the gentleman from Michigan (Mr. Ford) as a substitute for the amendment offered by the gentleman from Pennsylvania (Mr. Goodling).

Parliamentarian's Note: It appears that a point of order might have been sustained if made prior to the beginning of debate on the Goodling amendment to the Ford substitute, since it was in reality in the form of a substitute "in lieu

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6. 130 CONG. REC. 21259–61, 21263, 21264, 98th Cong. 2d Sess. Under consideration was H.R. 11, the Education Amendments of 1984.

7. Abraham Kazen, Jr. (Tex.).

of the matter proposed to be inserted insert the following. . . . ", but once debate began, the Chair would not take the initiative and rule the amendment to be a substitute for a substitute and in the third degree under Rule XIX.

When Amendment Should Be Offered to Text Rather Than to Pending Amendment

§ 1.41 When it is proposed to strike out certain words in a section, it is not in order to amend that amendment by proposing that additional words of that section be stricken.

On June 2, 1976,[8] the Committee of the Whole having under consideration H.R. 13680,[9] the Chair ruled on a point of order as described above. The proceedings were as follows:

> MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Derwinski: At page 68, strike line 4 through page 69, line 4. . . .
>
> MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I offer an amendment to the amendment.
>
> The Clerk read as follows:
>
> AMENDMENT OFFERED BY MR. ZABLOCKI TO THE AMENDMENT OFFERED BY MR. DERWINSKI
>
> Strike the words "page 69, line 4" and insert in lieu thereof "page 69, line 10". . . .
>
> MR. [DONALD M.] FRASER [of Minnesota]: . . . Mr. Chairman, I make a point of order against the Zablocki amendment to the amendment on the grounds that it is an effort to amend a perfecting amendment. It deals with a different part of the bill, and since the bill is open to amendment by titles, the perfecting amendment, so-called, offered by the gentleman from Illinois (Mr. Derwinski), as I understand, only strikes section 413 down through line 4 on page 69. This is an effort to strike a different part of the title, and therefore would not be in order as an amendment to the Derwinski amendment. . . .
>
> MR. ZABLOCKI: . . . Mr. Chairman, the Derwinski amendment strikes section 413 by striking the words "page 69, line 4," and substituting in lieu thereof, "page 69, line 10.". . .
>
> THE CHAIRMAN:[10] The Chair is ready to rule.
>
> The amendment offered by the gentleman from Illinois (Mr. Derwinski) strikes all of section 413, beginning with line 5, page 68, through line 4, page 69. The amendment offered by the gentleman from Wisconsin (Mr. Zablocki) to that amendment would increase the portion of section 413 that is stricken, expanding the area stricken down through line 10, page 69.
>
> Under Cannon's Precedents in the House of Representatives, on page 13,

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8. 122 CONG. REC. 16208-10, 94th Cong. 2d Sess.

9. A bill to amend the Foreign Assistance Act of 1961.

10. Frank E. Evans (Colo.).

in middle of the page, under the heading "amending a motion":

> When it is proposed to strike out certain words, it is not in order to amend by adding to the words of the paragraph, but it is in order to amend by striking out a portion of the words specified.

Since the question has come before the House before, in Hinds' Precedents of the House of Representatives, volume V, 1907, page 389, section 5768, the Chair will quote from that decision as follows:

> 5768: When it is proposed to strike out certain words in a paragraph, it is not in order to amend by adding to them other words of the paragraph.—On April 3, 1902, the bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service was under consideration in Committee of the Whole House on the state of the Union, when the following paragraph was read:
>
> Sec. 8. That when any commissioned officer is retired from active service, the next officer in rank shall be promoted according to the established rules of the service, and the same rule of promotion shall be applied successively to the vacancies consequent upon such retirement.
>
> Mr. James R. Mann, of Illinois, moved to strike out the words "according to the established rules of the service."
>
> Mr. John F. Lacey, of Iowa, moved to amend the amendment by adding to the words proposed to be stricken out other words in the context of the paragraph.
>
> The Chairman held that the amendment of Mr. Lacey should be offered as an independent amendment rather than as an amendment to the amendment.

For the reasons stated, the point of order of the gentleman from Minnesota is sustained.

§ 1.42 Where there is pending an amendment striking out a portion of a pending text, an amendment to strike out additional language of the text should be offered as a separate amendment to the text and not as an amendment to the first amendment.

The proceedings of June 2, 1976, are discussed in § 1.41, supra.

Debating Amendment Under Reservation of Objection; Discretion of Chair

§ 1.43 Unanimous consent is not required to adopt an amendment to a pending amendment, and the Chair may decline to permit debate to proceed under a reservation of objection to such unanimous-consent request and require debate to proceed under the five-minute rule.

On Feb. 24, 1977,(11) the Committee of the Whole having under consideration H.R. 11,(12) an amendment was offered to a pending amendment. The proceedings, described above, were as follows:

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(11) 123 Cong. Rec. 5327, 5329, 5330, 95th Cong. 1st Sess.

(12) Local Public Works Capital Development and Investment Act Amendments.

Mr. [Parren J.] Mitchell of Maryland: Madam Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Mitchell of Maryland: Page 2, line 23, insert "(1)" immediately before "Notwithstanding."
>
> Page 3, line 7, strike out the quotation marks and the period immediately following the quotation marks.
>
> Page 3, immediately after line 7, add the following:
>
> "(2) Notwithstanding any other provision of law, no grant shall be made under this Act for any local public works project unless at least 10 per centum of the dollar volume of each contract shall be set aside for minority business enterprise. . . ."

Mr. [Robert A.] Roe [of New Jersey]: Madam Chairman, I offer an amendment to the amendment offered by the gentleman from Maryland (Mr. Mitchell) and ask unanimous consent that it be adopted.

Mr. [William H.] Harsha [of Ohio]: Madam Chairman, reserving the right to object, I would like to know exactly the language of the gentleman's amendment.

The Clerk read as follows:

> Amendment offered by Mr. Roe to the amendment offered by Mr. Mitchell of Maryland: In lieu of the Mitchell amendment insert the following:
>
> Page 3, in lieu of the matter proposed to be inserted after line 7, insert the following:
>
> "(2) Except to the extent that the Secretary determines otherwise, no grant shall be made under this Act for any local public works project unless the applicant gives satisfactory assurance to the Secretary that at least 10 per centum of the amount of each grant shall be expended for minority business enterprises. For purposes of this paragraph, the term 'minority business enterprises' means a business at least 50 percent of which is owned by minority group members. . . ."

The Chairman:[13] Is there objection to the unanimous-consent request of the gentleman from New Jersey to amend the amendment offered by the gentleman from Maryland?

Mr. Harsha: Madam Chairman, reserving the right to object, I want to try to clarify this. . . .

The Chairman: Rather than proceed under the gentleman's reservation of objection, the Chair will treat the amendment offered by the gentleman from New Jersey to the amendment offered by the gentleman from Maryland as pending and proceed under the 5-minute rule, so that debate can then take place in the proper way. . . .

Mr. Roe: Is it possible for others who desire to do so to reserve the right to object?

The Chairman: The Chair will put the question on the amendment offered by the gentleman from New Jersey to the amendment offered by the gentleman from Maryland, unless further Members desire to debate the issue under the 5-minute rule.

The gentleman from New Jersey (Mr. Roe) is recognized for 5 minutes on his amendment. . . .

Mr. [James J.] Howard [of New Jersey]: Madam Chairman, I would ask the Chair if unanimous consent was granted for the amendment offered by the gentleman from New Jersey to be before the House.

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13. Barbara Jordan (Tex.).

The Chairman: That was not necessary. It is still an amendment to an amendment which is pending business to be voted on by the committee.

Time To Make or Reserve Point of Order

§ 1.44 A point of order may be made or reserved against an amendment after it is read but before the proponent of the amendment has been recognized to debate it; and where the proponent has asked unanimous consent that the amendment be considered as read, such point of order may still be made or reserved.

On Mar. 9, 1978,(14) during consideration of H.R. 50(15) in the Committee of the Whole, the Chair responded to a parliamentary inquiry concerning the proposition described above:

Mr. [James M.] Jeffords [of Vermont]: Mr. Chairman, I offer amendments as a substitute for the amendments offered by the gentleman from Connecticut (Mr. Sarasin).

The Clerk read as follows:

> Amendments offered by Mr. Jeffords as a substitute for the amendments offered by Mr. Sarasin: Page 64, line 16, strike out "and productivity" and insert in lieu thereof "productivity and reasonable price stability". . . .

Mr. Jeffords (during the reading): Mr. Chairman, I ask unanimous consent that the amendments offered as a substitute be considered as read and printed in the Record.

The Chairman Pro Tempore:(16) Is there objection to the request of the gentleman from Vermont?

Mr. [Augustus F.] Hawkins [of California]: Mr. Chairman, I reserve a point of order on the amendments.

The Chairman Pro Tempore: The gentleman from California reserves a point of order on the amendments.

Mr. [Robert E.] Bauman [of Maryland]: Mr. Chairman, a parliamentary inquiry. . . .

Mr. Chairman, as the gentleman from Vermont has already made the request that the amendment be considered as read and that request was granted, therefore I think the point of order comes too late.

The Chairman:(17) The Chair would advise the gentleman from Maryland that the point of order can still be made or reserved before the gentleman proceeds with his remarks. Therefore, the reservation is in order.

§ 1.45 While the reservation of a point of order by one Member against an amendment inures to all Members if insisted upon at the appropriate time, the point of order must be made by a Member when the Chair inquires whether the Member reserving the point of order wishes to insist upon it, but

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14. 124 Cong. Rec. 6285, 6286, 95th Cong. 2d Sess.
15. Full Employment and Balanced Growth Act of 1978.
16. William H. Natcher (Ky.).
17. Edward P. Boland (Mass.).

comes too late after that Member has withdrawn the point of order and further debate has intervened on the amendment.

On Aug. 2, 1978,(18) the Committee of the Whole having under consideration H.R. 12514,(19) the above-stated proposition was illustrated as indicated below:

MR. [TOM] HARKIN [of Iowa]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Harkin: Page 19, immediately after line 14, insert the following new section 21. . . .
>
> "After the date of enactment of the International Security Assistance Act of 1978, no deliveries of defense articles or services may be made to Chile pursuant to any sale made before the date of enactment of this section. . . .

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I reserve a point of order against the amendment. . . .

THE CHAIRMAN:(20) Does the gentleman from Wisconsin insist on his point of order?

MR. ZABLOCKI: I do not insist on the point of order, to save time.

Mr. Chairman, I rise in opposition to the amendment.

THE CHAIRMAN: The gentleman from Wisconsin is recognized. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: . . . I would like to ask the Chair, since the gentleman from Wisconsin reserved a point of order, and the gentleman from Maryland who was also on his feet did not reserve a point of order because he thought the gentleman from Wisconsin was going to make a point of order, whether or not it would be in order for the gentleman from Maryland to make a point of order?

THE CHAIRMAN: The Chair has recognized the gentleman from Wisconsin (Mr. Zablocki) for 5 minutes, so the point of order could not be made at this time.

MR. BAUMAN: Can the gentleman from Wisconsin still make his point of order at this time?

THE CHAIRMAN: No, he cannot.

Discretion of Chair as to Reservation of Point of Order

§ 1.46 A reservation of a point of order against an amendment is within the discretion of the Chair, who may insist that the point of order be made following debate by the proponent of the amendment and prior to recognition of other Members.

During consideration of H.R. 5167(1) in the Committee of the Whole on May 16, 1984,(2) the

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18. 124 CONG. REC. 23921, 23922, 95th Cong. 2d Sess.
19. The International Security Assistance Act of 1978.
20. Don Fuqua (Fla.).

1. Defense Department authorization bill.
2. 130 CONG. REC. 12509, 98th Cong. 2d Sess.

proposition described above occurred as follows:

> The Chairman:(3) The gentleman from Oregon (Mr. AuCoin) has reserved a point of order. Does the gentleman wish to pursue that?
>
> Mr. [Les] AuCoin: Yes, Mr. Chairman. Under the rules of the House I understand I am not required to raise the point of order at this particular point. But I do continue to reserve my point of order.
>
> The Chairman: The Chair has the discretion to entertain the point of order, and the Chair chooses at this time to have the gentleman state his reservation.
>
> Does the gentleman make a point of order? . . .
>
> Mr. AuCoin: Mr. Chairman, I make a point of order against the Price amendment on the grounds that its scope is broader than that of the primary amendment, title 1, and therefore is not germane to the primary amendment.

§ 2. Pro Forma Amendments

A pro forma amendment is a procedural formality—a device used to obtain recognition during consideration of a bill being read for amendment under the "five-minute rule"—and such an amendment does not contemplate any actual change in the bill. While pro forma amendments are phrased to make some superficial change in the language under consideration, such as "to strike the last word," the underlying purpose is to obtain time for debate which might otherwise be prohibited because of the restriction in Rule XXIII, clause 5, that there may be only five minutes of debate for and against any amendment or amendment thereto.

Technically, a point of order should lie against a pro forma amendment if it constitutes an amendment in the third degree, whether offered while there is an amendment to an amendment pending, or offered to an amendment to a substitute; but the Chair hesitates to initiate action in ruling pro forma amendments out of order as in the third degree, the Committee of the Whole having the power to shut off debate when it chooses.(4)

A Member who has occupied five minutes on a pro forma amendment may not lengthen this time by making another pro forma amendment, nor may he then automatically extend this time by offering a substantive amendment while other Members are seeking recognition,(5) but he

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3. Dan Rostenkowski (Ill.).

4. See § 6, infra.

5. See the discussion in the notes to Rule XXIII clause 5(a), *House Rules and Manual* § 873 (101st Cong.).

may rise in opposition to a pro forma amendment offered by another Member when recognized for that purpose.

Where a rule under which a bill is considered permits only specified amendments and prohibits amendments to such amendments, no pro forma amendments are in order and only two five-minute speeches are permitted on each of the specified amendments.(6)

It has frequently been held that pro forma amendments are not in order during consideration of an omnibus private bill.(7) In fact, the rule has been so broadly stated as to preclude such amendments on private bills generally.(8) But on one occasion it has been specifically ruled that it is in order during the consideration of individual bills on the Private Calendar to strike out the last word.(9)

When in Order

§ 2.1 Any Member who gains the floor to offer any permissible amendment is entitled to the floor, and it is not the duty of the Chair to ask such Member whether he offers his amendment as a bona fide or pro forma amendment.

On May 16, 1938,(10) the following exchange took place:

> MR. [JOHN J.] COCHRAN [of Missouri]: . . . My parliamentary inquiry is whether a point of order would lie against the motion of a Member to strike out the title when, as a matter of fact, the Member was not in favor of striking out the title.
>
> THE SPEAKER PRO TEMPORE:(11) The present occupant of the chair would have no way of reading a Member's mind or questioning his motive with reference to any amendment that he might offer. The Chair thinks that any Member who gained the floor to offer any permissible amendment would be in order and he would be entitled to the floor.

Amendments in Nature of Substitute

§ 2.2 When an amendment in the nature of a substitute is being read by sections pursuant to a special rule, substantive as well as pro forma amendments are

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6. See § 3.38, infra.
7. See, for example, § 2.6, infra.
   See also Rule XXIV clause 6, *House Rules and Manual* § 893 (101st Cong.).
8. See 100 CONG. REC. 1826, 1827, 83d Cong. 2d Sess., Feb. 16, 1954; and 80 CONG. REC. 3158, 74th Cong. 2d Sess., Mar. 3, 1936.
9. 80 CONG. REC. 5075, 74th Cong. 2d Sess., Apr. 7, 1936.
   For discussion of private bills generally, see Ch. 22, supra, Calendars.
10. 83 CONG. REC. 6938, 75th Cong. 3d Sess.
11. Sam Rayburn (Tex.).

in order following the reading of each section.(12)

§ 2.3 When an amendment in the nature of a substitute is, by unanimous consent, considered as read and open to amendment, the entire amendment is then subject to substantive or pro forma amendment.(13)

Scope of Debate

§ 2.4 Debate in the Committee of the Whole under the five-minute rule is confined to the subject and, if the point of order is raised, a Member may not under a pro forma amendment discuss a section of the bill not immediately pending.

On Feb. 9, 1950,(14) the following proceedings took place:

Mr. [Cecil F.] White of California: Mr. Chairman, I make the point of order that the gentleman is not discussing the bill and he did not ask for unanimous consent to proceed out of order. . . .

Mr. [Reid F.] Murray of Wisconsin: . . . I moved to strike out the last word. I am talking in connection with this bill. . . .

The Chairman:(15) The gentleman should discuss that matter which is pending at the present time. The part of the bill to which he refers has not been reached yet.

§ 2.5 Debate on a pro forma amendment must be confined to the portion of the bill to which the pro forma amendment has been offered.

On June 21, 1974,(16) during consideration of a bill in the Committee of the Whole, the Chair made the ruling described above:

Mr. [Pierre S.] du Pont [of Delaware]: Mr. Chairman, I move to strike the requisite number of words. . . .

Mr. Chairman, I am taking this time now for fear that when we get down to the end of the bill there will be a limitation of time, and I will not have the opportunity to explain the amendment that I intend to offer on the last page of the bill.

Mr. Chairman, I intend to offer an amendment to set a maximum limit on the appropriations under this bill to $12.7 billion. . . .

Mr. [John E.] Moss [of California]: Mr. Chairman, a point of order.

The Chairman:(17) The gentleman will state his point of order.

Mr. Moss: Mr. Chairman, my point of order is that I must insist upon the regular order, and the regular order is not being observed. There has been no unanimous-consent request to proceed

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12. See § 22.11, infra.
13. See § 22.11, infra.
14. 96 Cong. Rec. 1753, 81st Cong. 2d Sess. Under consideration was H.R. 7201, a deficiency appropriation bill.
15. Mike Mansfield (Mont.).
16. 120 Cong. Rec. 20595, 93d Cong. 2d Sess. Under consideration was H.R. 15472, agriculture, environment, and consumer appropriations, fiscal 1975.
17. Sam Gibbons (Fla.).

out of order, and the House is now proceeding out of order. So I call for the regular order.

The Chairman: The gentleman will proceed in the regular order.

Mr. [H. John] Heinz [of Pennsylvania]: Mr. Chairman, will the gentleman yield?

Mr. du Pont: I will be glad to yield to the gentleman from Pennsylvania.

Mr. Heinz: I thank the gentleman for yielding.

I am afraid the intent——

Mr. Moss: Mr. Chairman, I insist on the regular order, and the regular order is the point of the bill where we are now reading. It is not a point to be reached at a later time. I insist upon the regular order.

The Chairman: The gentleman is correct. The gentleman in the well received permission to strike out the last word and then proceeded to discuss an amendment to be offered to the last section of the bill. The gentleman from Pennsylvania is not discussing a part of the bill that is pending.

The point of order is sustained.

Private Bill

§ 2.6 The Chair on one occasion held that an amendment proposing to reduce the amount of money in an omnibus private bill was a pro forma amendment and therefore not in order.

On July 20, 1937,(18) the following proceedings took place:

Mr. [Everett M.] Dirksen [of Illinois]: Mr. Speaker, I offer an amendment.

The Clerk read as follows:

> On page 5, line 9, strike out "$5,000" and insert in lieu thereof "$4,999.99.". . .

Mr. [John E.] Rankin [of Mississippi]: . . . I submit that this is too small a matter to be considered by the House at this time.

The Speaker Pro Tempore:(19) The Chair must hold that under the spirit of the rule for the consideration of omnibus private bills, such an amendment, which is in effect a pro forma amendment, is not in order.

Effects of Restrictive Rules on Pro Forma Amendments—Use of Pro Forma Amendments Where Rule Permits Only Printed Amendments Not Subject to Amendment

§ 2.7 Where there was pending a perfecting amendment to a title of a bill being considered under a special rule permitting only germane amendments printed in the Record for at least two calendar days to be offered to that title, and prohibiting amendments thereto, the Chairman of the Committee of the Whole indicated in response to parliamentary inquiries that Rule XXIII clause 5 permitted only the proponent and one opponent of the amendment to

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(18) 81 Cong. Rec. 7299, 7300, 75th Cong. 1st Sess.

(19) John J. O'Connor (N.Y.).

speak for five minutes each, and that the special rule prohibited other Members from offering pro forma amendments to that amendment to gain additional time; and that the pendency of a perfecting amendment precluded the offering of a pro forma amendment printed in the Record as a perfecting amendment to the bill.

The Chair responded as indicated to inquiries made on Mar. 26, 1974,(20) during consideration of H.R. 69, to amend and extend the Elementary and Secondary Education Act. He stated further that by unanimous consent additional time for debate on the amendment could be obtained for either the proponent or opponent of the amendment, but not for other Members.

MR. [PETER] PEYSER [of New York]: Mr. Chairman, I have a parliamentary inquiry. . . .

Was there a time limit on the amendment when the gentleman asked to be recognized in support of the amendment?

THE CHAIRMAN:(1) That is correct. The gentleman from New York already has been recognized for 5 minutes with several extensions by unanimous consent.

MR. PEYSER: I did not ask for it; the gentleman from Connecticut asked for it.

THE CHAIRMAN: The gentleman could have asked for an extension on the time of the gentleman from Minnesota, but none on his own time, under the rule.

MR. PEYSER: Mr. Chairman, I have another parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. PEYSER: I am not aware of any time limit to speak on the amendments under the regular 5-minute rule.

THE CHAIRMAN: The Chair might as well read the rule adopted in the House for the benefit of the membership so they will understand.

House Resolution 963 adopted in the House on March 12 provides in part:

> No amendment shall be in order to title I of said substitute except germane amendments which have been printed in the Congressional Record at least two calendar days prior to their being offered during the consideration of said substitute for amendment, and amendments offered by the direction of the Committee on Education and Labor, and neither of said classes of amendments shall be subject to amendment.

Under the provisions of the rule, the proponent of the amendment is to be allowed 5 minutes, and a Member in opposition to the amendment, 5 minutes. . . .

Under clause 5, rule XXIII, only one member may speak in opposition, and under Public Resolution 963, a pro forma amendment is in order only to the bill, not to an amendment. . . .

MR. [DONALD M.] FRASER [of Minnesota]: The Chairman stated that a pro

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20. 120 CONG. REC. 8242, 8243, 93d Cong. 2d Sess.

1. Melvin Price (Ill.).

forma amendment to the bill was in order?

The Chairman: That is correct.

Mr. Fraser: Should not a pro forma amendment to the bill be considered in the nature of a perfecting amendment in order during the consideration of Mr. Peyser's amendment?

The Chairman: The Chair will state that a pro forma amendment would not be in order while the amendment is pending, because that would be considered as a perfecting amendment to the amendment under consideration.

Mr. Fraser: If the Chair would permit me to state, a pro forma amendment is offered to the bill rather than to an amendment. It seems to me it would not fall under the constraint which the Chair has placed on it.

The Chairman: Under the rule there can be only one perfecting amendment pending at a time, and a perfecting amendment is pending. Therefore, a pro forma amendment would not be in order.

§ 2.8 Under a special rule permitting only germane amendments printed in the Record for at least two calendar days to be offered to a designated title of a bill, and prohibiting amendments thereto, a Member was permitted to offer a pro forma amendment to that title ("to strike the requisite number of words") where that amendment had been inserted in the Record by another Member, and at a time when no substantive amendment was pending.

On Mar. 26, 1974,(2) the following proceedings took place:

The Chairman:(3) . . . Under the rule, no amendment shall be in order to title I of the substitute committee amendment printed in the reported bill except germane amendments which have been printed in the Congressional Record at least 2 calendar days prior to their being offered during the consideration of said substitute for amendment, and amendment offered by direction of the Committee on Education and Labor, and neither of said classes of amendments shall be subject to amendment.

Pursuant to the rule, the Clerk will now read by titles the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows: . . .

> Title I—Amendments of Title I of the Elementary and Secondary Education Act of 1965
>
> extension of title i programs
>
> Sec. 101. Section 102 of title I of the Elementary and Secondary Education Act of 1965 (hereinafter referred to as "the Act") is amended (1) by striking out "for grants to local educational agencies". . . .

Mr. [Carl D.] Perkins [of Kentucky] (during the reading): Mr. Chairman, I ask unanimous consent that further reading of title I be dispensed with,

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2. 120 Cong. Rec. 8229, 8233, 8243, 93d Cong. 2d Sess. Under consideration was H.R. 69, to amend and extend the Elementary and Secondary Education Act.

3. Melvin Price (Ill.).

that it be printed in the Record, and open to amendment at any point.

The Chairman: Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. Perkins: Mr. Chairman, I move to strike the requisite number of words.

Mr. [Robert E.] Bauman [of Maryland]: Mr. Chairman, I make a point of order. Under the rule the motion is not in order unless he has printed the motion in the Record.

The Chairman: The Chair overrules the point of order. The amendment offered by the gentleman from Kentucky was printed in the Record.

§ 2.9 Where there was pending an amendment to a title of a bill being considered under a special rule permitting only germane amendments printed in the Record for at least two calendar days to be offered to that title, and prohibiting amendments thereto, a modification of an amendment printed in the Record was permitted in Committee of the Whole by unanimous consent.

On Mar. 26, 1974,(4) during consideration in the Committee of the Whole of a bill,(5) a modification to an amendment was permitted, as described above. The proceedings were as follows:

Mrs. [Patsy T.] Mink [of Hawaii]: Mr. Chairman, I offer an amendment to the committee substitute.

The Chairman:(6) Is the amendment printed in the Record?

Mrs. Mink: It is, Mr. Chairman.

The Clerk read as follows:

> Amendment offered by Mrs. Mink to the committee substitute: The first sentence of Section 103(a)(1), beginning on line 13 on page 28, is amended to read as follows: "Sec. 103. (a)(1) There is authorized to be appropriated for each fiscal year for the purpose of this paragraph 1 per centum of the amount appropriated for such year for payments to States under section 134(a). . . .

Mr. [Lloyd] Meeds [of Washington]: Mr. Chairman, I ask unanimous consent that at the end of the amendment . . . the following words be added: "and to the Secretary of the Interior for payments pursuant to (d)(1) and (d)(2).". . .

The Chairman: Is there objection to the request of the gentleman from Washington?

There was no objection.

—*Closed Rule Prohibiting Amendments Except by Direction of Committee*

§ 2.10 Pro forma amendments are not in order when a bill is being considered under a "closed" rule which permits no amend-

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(4) 120 Cong. Rec. 8253, 93d Cong. 2d Sess.

(5) H.R. 69, to amend and extend the Elementary and Secondary Education Act.

(6) Melvin Price (Ill.).

ments except by direction of the committee reporting the bill.(7)

—*Recognition Under Rule Permitting Pro Forma Amendments*

§ 2.11 Where the Committee of the Whole resumed consideration of a bill under a special rule prohibiting amendments to a pending amendment except pro forma amendments for debate, the Chair announced that he would first recognize Members who had not offered pro forma amendments on the preceding day, priority of recognition being given to members of the reporting committee.

On Aug. 3, 1977,(8) the Committee of the Whole having under consideration H.R. 8444, the National Energy Act, the Chair made a statement pertaining to the recognition of Members to offer pro forma amendments, as indicated below:

> THE CHAIRMAN:(9) The Chair would like to make a statement for the information of the Members of the Committee of the Whole.
>
> The Chair has before it a list of those who spoke on this amendment yesterday. The Chair will recognize those who have not spoken on this amendment first and, of course, preference will be given to the members of the ad hoc committee and any Member, of course, under the rule has the right to offer pro forma amendments. The Chair will adhere to that direction.
>
> The gentleman from Michigan (Mr. Dingell) did not speak on this amendment yesterday, so as a member of the ad hoc committee, for what purpose does the gentleman from Michigan (Mr. Dingell) rise?
>
> MR. [JOHN D.] DINGELL: Mr. Chairman, I move to strike the last word.

—*Rule Permitting Only Committee Amendments*

§ 2.12 Pro forma amendments are not in order during consideration of a title of a bill being read pursuant to a special rule prohibiting all amendments except committee amendments to that title.

On Oct. 13, 1977,(10) the Committee of the Whole having under consideration H.R. 8309,(11) the Chair, citing from the rule providing for consideration of the bill and amendments thereto,(12) directed the Clerk to read by titles the committee amendment in the nature of a substitute:

> THE CHAIRMAN:(13) . . . Pursuant to the rule, no amendment to title II of

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7. See § 3.34, infra.
8. 123 CONG. REC. 26444, 95th Cong. 1st Sess.
9. Edward P. Boland (Mass.).
10. 123 CONG. REC. 33627, 33637, 95th Cong. 1st Sess.
11. The Navigation Development Act.
12. H. Res. 776, adopted Oct. 6, 1977.
13. John J. McFall (Calif.).

said substitute, and no amendment in the nature of a substitute changing title II of said substitute shall be in order, except amendments offered by direction of the Committee on Ways and Means, and said amendments shall not be subject to amendment.

The Clerk will now read by titles the committee amendment in the nature of a substitute. . . .

Are there any committee amendments to title II?

Mr. [Robert W.] Edgar [of Pennsylvania]: Mr. Chairman, I move to strike the last word.

The Chairman: Without objection, the gentleman is recognized. The Chair would, however, state that under the rule even pro forma amendments are not allowed to title II.

—Preferential Motion Not Barred by Prohibition Against Pro Forma Amendments

§ 2.13 A special order governing consideration of a bill in Committee of the Whole which prohibits the Chair from entertaining pro forma amendments for the purpose of debate does not preclude the offering of a preferential motion that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken, since that motion is not a pro forma amendment and must be voted on (or withdrawn by unanimous consent).

An illustration of the proposition described above occurred on May 4, 1983,(14) during consideration of House Joint Resolution 13 (relating to a nuclear weapons freeze). The proceedings in the Committee of the Whole were as follows:

Mr. [Elliott H.] Levitas [of Georgia]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Levitas moves that the Committee rise and report the resolution back to the House with the recommendation that the resolving clause be stricken.

Mr. [Thomas J.] Downey of New York: Mr. Chairman, I have a point of order.

The Chairman Pro Tempore [Leon E. Panetta, of California]: The gentleman will state his point of order.

Mr. Downey of New York: Mr. Chairman, my understanding of the rule is that there is a provision in the rule that prohibits motions of this sort for the purpose of debate time. Is that correct?

The Chairman Pro Tempore: The Chair will advise the gentleman it only prohibits pro forma amendments, not preferential motions such as the gentleman has offered.

—Effect of Rule on Scope of Debate

§ 2.14 While normally under the five-minute rule debate on a pro forma amendment may relate either to a pending amendment

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14. 129 Cong. Rec. 11072, 98th Cong. 1st Sess.

in the nature of a substitute or to a perfecting amendment thereto (as not necessarily in the third degree), where a special rule permitted the offering of both perfecting amendments in the second degree and of pro forma amendments to the substitute when perfecting amendments were not pending, the Chair permitted pro forma amendments during pendency of perfecting amendments but, in response to a point of order, required that debate be related solely to the perfecting amendment.

On May 26, 1982[15] during consideration of House Concurrent Resolution 345[16] in the Committee of the Whole, the situation described above occurred as follows:

MR. [LES] AUCOIN [of Oregon]: Mr. Chairman, I rise to strike the requisite number of words not because I intend to speak to the amendment of the gentleman from Michigan, but instead to take this time in concert with colleagues who care very much about what the Latta amendment does to housing. Not for housing, but to housing. . . .

MR. [JAMES H.] QUILLEN [of Tennessee]: Mr. Chairman, I understood we were debating the Conyers amendment, and I did not hear permission to speak out of order.

MR. AUCOIN: Mr. Chairman, my remarks go to the Latta substitute, and I believe that is pending before the committee.

THE CHAIRMAN:[17] The Chair will have to state that the matter that is pending is the Conyers amendment, and that debate should be germane to the Conyers amendment.

Parliamentarian's Note: The Chairman insisted that debate proceed in an "orderly fashion", that once a perfecting amendment was offered, debate under the five-minute rule be confined thereto, and not to one of the three underlying substitutes pending simultaneously. Separate debate on those substitutes was to be permitted only between consideration of numbered perfecting amendments.

§ 2.15 Where a special order permits both the offering of specified perfecting amendments in a certain order and pro forma amendments, the Chair has discretion to recognize Members to offer pro forma amendments to debate the underlying text between consideration of perfecting amendments.

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15. 128 CONG. REC. 12088, 12090, 97th Cong. 2d Sess.

16. First concurrent resolution on the budget, fiscal 1983.

17. Richard Bolling (Mo.).

On May 26, 1982,(18) the Committee of the Whole having under consideration House Concurrent Resolution 345,(19) the Chair responded to a parliamentary inquiry regarding the circumstances described above. The proceedings were as indicated below:

> MR. [HENRY A.] WAXMAN [of California]: At the appropriate time after we have completed this amendment, I will seek to strike the last word to make other comments that may be of interest to Members.
>
> MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, I have a parliamentary inquiry.
>
> THE CHAIRMAN:(20) The gentleman will state it.
>
> MR. MADIGAN: Is the procedure that has just been suggested by the gentleman from California one that would be in order?
>
> THE CHAIRMAN: The Chair will entertain pro forma amendments between amendments.
>
> MR. MADIGAN: Further pursuing my parliamentary inquiry, Mr. Chairman, how would the gentleman from California be able to be recognized to speak in behalf of something that he says he is not going to offer?
>
> THE CHAIRMAN: Between amendments, no amendment is pending. That is why a pro forma amendment presumably to one of the substitutes will be allowed. It provides an opportunity for discussion between amendments.

—Rule Permitting Only Designated Amendments

§ 2.16 Where a bill was being considered for amendment pursuant to a special "modified closed" rule permitting only designated amendments to be offered and precluding amendments thereto, with debate on each amendment limited and controlled, the Chair indicated that pro forma amendments for the purpose of debate were not in order.

On May 21, 1986,(1) the Committee of the Whole having under consideration H.R. 4800,(2) the Chair responded to a parliamentary inquiry in the circumstances described above:

> THE CHAIRMAN:(3) When the Committee of the Whole rose on Tuesday, May 20, 1986, all time for general debate had expired.
>
> Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule. The amendments printed in section 2 of House Resolution 456, agreed to by the House on May 15, 1986, are considered as having been adopted.

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18. 128 CONG. REC. 12141, 97th Cong. 2d Sess.
19. First concurrent resolution on the budget, fiscal 1983.
20. Richard Bolling (Mo.).

1. 132 CONG. REC. 11484, 11566, 99th Cong. 2d Sess.
2. The Omnibus Trade Act of 1986.
3. Anthony C. Beilenson (Calif.).

No other amendments to the bill are in order except the following amendments printed in the Congressional Record of May 15, 1986, except amendment numbered (12) shall be the text of H.R. 4830 in lieu of being printed in the Record. . . .

Mr. [Don] Young of Alaska: Mr. Chairman, I have a parliamentary inquiry.

The Chairman: The gentleman will state his parliamentary inquiry.

Mr. Young of Alaska: Mr Chairman, can I move to strike the last word and get 5 minutes?

The Chairman: The time is controlled by the gentleman from Wisconsin (Mr. Roth). The gentleman has to seek time from the gentleman from Wisconsin or the gentleman from Washington (Mr. Bonker).

After Expiration of Debate

§ 2.17 Where a limitation on debate under the five-minute rule on an amendment and all amendments thereto has expired, no further debate is in order and a Member may not gain time for debate by offering a pro forma amendment "to strike the last word."

On Aug. 2, 1978,(4) the Committee of the Whole having under consideration H.R. 12514,(5) the above-stated proposition was illustrated as indicated below:

Mr. [Clement J.] Zablocki [of Wisconsin]: Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto end at 4 o'clock.

The Chairman:(6) The question is on the motion offered by the gentleman from Wisconsin (Mr. Zablocki).

The motion was agreed to.

The Chairman: Members standing at the time the motion was made will be recognized for 1 minute and 20 seconds each. . . .

The Chairman: For what purpose does the gentleman from California (Mr. Lagomarsino) rise?

Mr. [Robert J.] Lagomarsino: Mr. Chairman, I move to strike the last word.

The Chairman: The Chair will inform the gentleman that no further debate is in order at this time.

§ 2.18 A motion to strike the last word is not in order after all time for debate on a bill has expired.(7)

§ 2.19 When the time for debate on a bill is closed by unanimous consent prior to the conclusion of the reading thereof, and debate time has expired, the remainder of the bill is read but pro forma amendments are not then in order.(8)

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4. 124 Cong. Rec. 23947, 23954, 95th Cong. 2d Sess.
5. The International Security Assistance Act of 1978.
6. Don Fuqua (Fla.).
7. See § 14.18, infra.
8. See § 14.17, infra.

Pro Forma Amendment Offered by Proponent of Pending Amendment

§ 2.20 Under the five-minute rule the proponent of a pending amendment may offer a pro forma amendment thereto (for additional debate time) only by unanimous consent.

On Apr. 13, 1983,(9) the Committee of the Whole having under consideration House Joint Resolution 13,(10) the above-stated proposition was illustrated as indicated below:

> Mr. [Elliott H.] Levitas [of Georgia]: Mr. Chairman, I move to strike the requisite number of words.
>
> The Chairman:(11) Without objection, the gentleman from Georgia (Mr. Levitas) is recognized for 5 minutes.
>
> There was no objection.
>
> Mr. [Samuel S.] Stratton [of New York]: Mr. Chairman, I have a parliamentary inquiry.
>
> The Chairman: The gentleman will state it.
>
> Mr. Stratton: Mr. Chairman, does the gentleman from Georgia (Mr. Levitas) have an amendment pending?
>
> The Chairman: The gentleman from New York is correct. The gentleman from Georgia has an amendment in the nature of a substitute to the text pending.
>
> Mr. Stratton: Well, is it proper to strike the last word on one's own amendment?
>
> The Chairman: The gentleman asked for recognition, and without objection, he was recognized for 5 minutes.
>
> Mr. Stratton: I just wanted to make sure the amendment was still pending.
>
> The Chairman: The gentleman is correct.

§ 2.21 A Member who has been recognized for five minutes in support of his amendment in Committee of the Whole may offer a pro forma amendment to his amendment to gain an additional five minutes only by unanimous consent.

The proposition stated above was the basis for the following proceedings which occurred on Mar. 18, 1986,(12) during consideration of H.R. 4151(13) in the Committee of the Whole:

> Mr. [Robert S.] Walker [of Pennsylvania]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Walker:
>
> (1) in the section heading, strike out "EFFECTIVE DATE OF ENTITLEMENTS" and insert in lieu thereof

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9. 129 Cong. Rec. 8382, 98th Cong. 1st Sess.
10. Nuclear weapons freeze.
11. Matthew F. McHugh (N.Y.).
12. 132 Cong. Rec. 5257, 5260, 5261, 99th Cong. 2d Sess.
13. The Omnibus Diplomatic Security and Antiterrorism Act.

"SPECIAL BUDGET ACT RULES FOR ENTITLEMENTS"; and

(2) strike out the period at the end of the section and insert in lieu thereof the following: ", and shall be effective for any fiscal year only to the extent or in the amounts provided in appropriation Acts.".

After Mr. Walker's initial remarks in support of the amendment, the following proceedings took place:

Mr. Walker: Mr. Chairman, I move to strike the requisite number of words.

The Chairman:(14) Is there objection to the request of the gentleman from Pennsylvania?

Mr. [Daniel A.] Mica [of Florida]: Mr. Chairman, the normal procedure is each individual is allowed to speak for one time, is it not?

The Chairman: By unanimous consent, the gentleman can be recognized for another period of time.

Mr. Mica: Mr. Chairman, I will not object at this time.

The Chairman: Is there objection to the request of the gentleman from Pennsylvania?

There was no objection

Parliamentarian's Note: Occasionally, the proponent of an amendment has sought recognition as a matter of right "in opposition to a pro forma amendment" offered by another Member in order to gain an additional five minutes, on the assumption that in such case he is not amending his own amendment but is complying with the five-minute rule by speaking in opposition to another Member's amendment.

Debate After Adoption of Substitute

§ 2.22 Under the five-minute rule, no debate may intervene after a substitute for an amendment has been adopted and before the vote on the amendment, as amended, except by unanimous consent, since the amendment has been amended in its entirety and no further amendments including pro forma amendments are in order.

On Oct. 18, 1983,(15) the Committee of the Whole having under consideration H.R. 3231,(16) the above-stated proposition was illustrated as indicated below:

The Chairman Pro Tempore:(17) The question is on the amendment offered by the gentleman from Washington (Mr. Bonker), as amended, as a substitute for the amendment offered by the gentleman from Wisconsin (Mr. Roth), as amended. . . .

Mr. [Toby] Roth [of Wisconsin]: Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes

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14. Gerald D. Kleczka (Wisc.).

15. 129 Cong. Rec. 28185, 98th Cong. 1st Sess.

16. Export Administration Act Amendments of 1983.

17. George E. Brown, Jr. (Calif.).

173, answered "present" 1, not voting 19, as follows. . . .

So the amendment, as amended, offered as a substitute for the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

MR. [EDWIN V.W.] ZSCHAU [of California]: Mr. Chairman, I move to strike the last word.

THE CHAIRMAN PRO TEMPORE: Without objection, the gentleman from California (Mr. Zschau) is recognized for 5 minutes.

There was no objection.

§ 3. Effect of Special Rule; Amending Special Rule

Bills are frequently considered pursuant to the terms of a special rule or resolution reported from the Committee on Rules which specifies whether amendments may be offered to the bill, the kind and number of amendments that may be offered, and the order of consideration and voting thereon. Broadly speaking, bills considered pursuant to an "open" rule may be amended whereas bills considered pursuant to a "closed" rule may not. In addition, special resolutions providing rules that are "open in part" or "closed in part" or providing a "modified closed or open rule" are not uncommon.(18) The effect of a special rule is, of course, limited by the terms of the rule itself. A special rule may waive points of order against a bill or amendments thereto. Where the House waives all points of order against the bill, such waiver does not apply to amendments offered from the floor.(19)

For example, where the House by resolution waives all points of order against any provisions in an appropriation bill, such action does not waive points of order against amendments offered from

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18. Compare 117 CONG. REC. 15599, 92d Cong. 1st Sess., May 18, 1971 [H. Res. 437, providing for consideration of H.R. 3613 pursuant to an "open" rule]; 112 CONG. REC. 13990, 89th Cong. 2d Sess., June 23, 1966, where the Committee on Rules reported a "closed" rule, although the legislative committee requesting the resolution had asked for an "open" rule; 116 CONG. REC. 23901, 91st Cong. 2d Sess., July 13, 1970 [H. Res. 1093, providing for a rule "closed in part"]; 117 CONG. REC. 18614, 92d Cong. 1st Sess., June 8, 1971 [H. Res. 466, providing for a rule "open in part" and "closed in part"]; 117 CONG. REC. 21082, 92d Cong. 1st Sess., June 21, 1971 [H. Res. 487, providing for consideration of H.R. 1, Social Security Amendments of 1971, under a "modified closed rule"].

19. 97 CONG. REC. 11682, 82d Cong. 1st Sess., Sept. 19, 1951.

the floor. (However, where provisions of a bill, otherwise subject to a point of order are permitted to remain in the bill, because the rule protects them, "perfecting amendments" to those provisions may be immune from a point of order.)(20)

Similarly, where the House has adopted the resolution waiving points of order against committee amendments, no authorization is given thereby to Members to offer amendments which are not germane.(21)

The House, of course, ultimately decides the conditions under which a bill will be considered. Special rules reported by the Committee on Rules are subject to germane amendment while the rule is pending if the Member in control yields for such amendment or offers the amendment himself, or if the previous question is voted down.(1)

To a special rule providing for the consideration of one measure, an amendment providing for the consideration of, and waiving points of order against, an unrelated and nongermane measure is itself not germane, and may not be offered on the floor of the House even after defeat of the previous question on the rule. For further discussion of amending special rules, see Ch. 21 § 18, e.g. §§ 18.31, 18.32, supra; see also Ch. 28, discussing germaneness of amendments generally, infra.

A rule may provide that a committee amendment in the nature of a substitute shall be considered as an original bill for amendment. In such a case, the committee amendment is read by sections for amendment. A substitute for the committee amendment may be of-

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20. See, for example, Ch. 26 § 3.21, supra. (And see Ch. 26 § 3, generally, for discussion of waiver of points of order against provisions of appropriation bills, and amendments that may be offered to such provisions.)

21. 94 Cong. Rec. 8685, 8686, 80th Cong. 2d Sess., June 17, 1948.

    See also 94 Cong. Rec. 8670, 80th Cong. 2d Sess., June 17, 1948.

    For specific application of these principles, see particular topics, such as the discussion of the "germaneness" rule in Ch. 28, infra; see also the discussion of "special rules" in Ch. 21, supra, especially for illustrative uses of the special rule. Ch. 13, which in part discusses procedures under the Budget Act, contains discussion of special rules in relation to the budget process, such as special rules that waive points of order arising under the Budget Act. And see Ch. 29, Consideration and Debate, for further discussion of special rules, especially as they affect control and distribution of debate time.

1. See § 3.1, infra.

fered at the end of the first section or at the end of the committee amendment.(2) At the conclusion of the reading for amendment the question is on agreeing to the committee amendment in the nature of a substitute or such substitute as amended; if the committee substitute is voted down, the original bill is then read for amendment.(3)

The terms of a special rule agreed to by the House may not be substantively altered in the Committee of the Whole, even by unanimous consent, although the House may by unanimous consent delegate to the Committee of the Whole authority to entertain unanimous consent requests to change procedures contained in a special rule. And a proper amendment, once having been initially offered in conformity with a special rule, may be modified in the Committee of the Whole by unanimous consent.(4)

Amendments to Rule

§ 3.1 Special rules reported by the Committee on Rules are subject to amendment while the rule is pending if the Member in control yields for such amendment or if he offers the amendment himself, or if the previous question is voted down.

On Nov. 24, 1942,(5) the following exchange took place:

> Mr. [John E.] Rankin of Mississippi: Is the rule amendable before the previous question is voted down? . . .
>
> The Speaker:(6) The Chair, of course, will entertain a motion to amend any special rule at any time while the rule is pending if the gentleman in control yields for it or if he offers it himself or if the previous question should be voted down.

§ 3.2 A Member to whom time is yielded only for debate in the House on a resolution reported from the Committee on Rules, and who seeks unanimous consent to offer an amendment, is not entitled to have the amendment read by the Clerk where another Member objects to the offering of the amendment.

On May 14, 1985,(7) the minority Member controlling debate time on a special order reported from the Committee on Rules sought unanimous consent to offer a nongermane amendment to require all Budget Act waivers rec-

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2. See § 12.29, infra.
3. See § 12.30, infra.
4. These and related issues are discussed in §§ 3.22–3.33, infra.
5. 88 Cong. Rec. 9100, 77th Cong. 2d Sess.
6. Sam Rayburn (Tex.).
7. 131 Cong. Rec. 11713, 99th Cong. 1st Sess.

ommended by that committee to be explained in the accompanying reports for the remainder of the 99th Congress.

MR. [JOHN J.] MOAKLEY [of Massachusetts]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 157, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 157

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1 (b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1157) to authorize appropriations for fiscal year 1986 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission, and the first reading of the bill shall be dispensed with. . . .

THE SPEAKER PRO TEMPORE:(8) The gentleman from Massachusetts is recognized for 1 hour.

MR. MOAKLEY: Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Mississippi (Mr. Lott). . . .

MR. [TRENT] LOTT: Mr. Speaker, I send an amendment to the desk and ask unanimous consent for its immediate consideration. . . .

THE SPEAKER PRO TEMPORE: The gentleman from Massachusetts (Mr. Moakley) did not yield for that purpose.

MR. MOAKLEY: That is right, Mr. Speaker. . . .

I object to the unanimous-consent request. . . .

MR. LOTT: Mr. Speaker, are we not going to have the amendment read?

THE SPEAKER PRO TEMPORE: The gentleman from Massachusetts objected.

Amendments to Closed Rule

§ 3.3 An amendment to a resolution providing a "closed" rule may be offered in the House if the previous question is voted down on the resolution.

On Dec. 31, 1970,(9) an inquiry was addressed to the Chair concerning amendments to a resolution providing a closed rule.

MR. [SIDNEY R.] YATES [of Illinois]: This is a closed rule that will not permit any amendments to be offered to the resolution itself?

THE SPEAKER:(10) The Chair will state to the gentleman from Illinois that that is a matter for the House to determine. In its present form, the gentleman's statement is correct.

MR. YATES: If the previous question on this rule is voted down, will the resolution be open for amendment?

THE SPEAKER: The Chair will state in answer to the gentleman's question, that it would be.

§ 3.4 If the House adopts an amendment to a pending "closed" rule permitting mo-

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8. Dale E. Kildee (Mich.).

9. 116 CONG. REC. 44292, 44293, 91st Cong. 2d Sess. Under consideration was H. Res. 1337 (Committee on Rules).

10. John W. McCormack (Mass.).

tions to "strike out any matter in the bill," motions to strike out any portion of the bill would be in order as the bill is read for amendment.

On Nov. 18, 1970,(11) the Speaker pro tempore responded to a parliamentary inquiry concerning the effect of an amendment as described above.

> The Speaker Pro Tempore:(12) Under the terms of the amendment, any motion to strike out any language, word or otherwise in any part would be in order.
>
> Mr. [Charles A.] Vanik [of Ohio]: Including an entire section?
>
> The Speaker Pro Tempore: Including an entire section, or title.

§ 3.5 The House rejected the previous question on a "modified closed" rule recommended by the Committee on Rules permitting designated minority amendments to an omnibus reconciliation bill, and specifying two allowable motions to recommit, and then adopted an amendment in the nature of a substitute providing a "modified closed rule" different from the reported rule in the following respects: placing all control of general debate in the chairman and ranking minority member of the Budget Committee, and permitting only two amendments in Committee of the Whole to the Budget Committee's original text if offered by designated minority Members; and allowing, without specifying the content of, one motion to recommit with or without instructions.

On June 25, 1981,(13) the House having under consideration House Resolution 169,(14) the proceedings described above were as follows:

> Mr. [Richard] Bolling [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 169 and ask for its immediate consideration.
>
> The Clerk read the resolution as follows:
>
> H. Res. 169
>
> *Resolved,* That upon the adoption of this resolution it shall be in order to move, any rule of the House to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3982) to provide for reconciliation pursuant to section 301 of the first concurrent resolution on the budget for the

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11. 116 Cong. Rec. 37823, 37838, 91st Cong. 2d Sess. Under consideration was H. Res. 1225 (Committee on Rules).
12. John J. Rooney (N.Y.).
13. 127 Cong. Rec. 14065, 14078, 14079, 14083, 14084, 97th Cong. 1st Sess.
14. Providing for consideration of H.R. 3982, Omnibus Budget Reconciliation Act of 1981.

> fiscal year 1982, and the first reading of the bill shall be dispensed with. General debate shall continue not to exceed eight hours, with the chairman and ranking minority member of each of the following committees to equally divide and control the time indicated: the Committee on the Budget, thirty minutes; the Committee on Agriculture, thirty minutes; the Committee on Armed Services, thirty minutes . . . and the Committee on Ways and Means, thirty minutes: *Provided*, That the chairman and ranking minority member of the Committee on the Budget may reserve a portion of their time to close general debate. It shall be in order to consider an amendment in the nature of a substitute consisting of the text of the bill H.R. 3964, as modified by the amendment printed in the Congressional Record of June 23, 1981, by Representative Jones as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered as having been read for amendment, and said substitute shall be in order any rule of the House to the contrary notwithstanding. No amendment to the substitute or to the bill shall be in order in the House or in the Committee of the Whole except the following amendments. . . .
>
> The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except two motions to recommit. One such motion may not contain any instructions, but notwithstanding any other provision of this resolution, it shall be in order to offer a second motion to recommit with instruction containing only the following amendments contained in the committee print: the motion to strike out and insert the provisions on page 54, line 13 through page 66, line 29 (social service block grants) and the provisions on page 74, line 9 through page 95, line 3 (consolidation of education programs). . . .

THE SPEAKER:[15] The question is on ordering the previous question. . . .

The vote was taken by electronic device, and there were—yeas 210, nays 217, not voting 4, as follows. . . .

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Latta: Strike all after the resolving clause and insert in lieu thereof the following:
>
> "That upon the adoption of this resolution it shall be in order to move, any rule of the House to the contrary notwithstanding that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3982), to provide for reconciliation pursuant to section 301 of the first concurrent resolution on the budget for fiscal year 1982. . . . No amendment to the bill shall be in order in the Committee of the Whole except an amendment in the nature of a substitute which shall be the text of the bill H.R. 3964, said amendment shall be considered as an original bill for the purpose of amendment, and shall be considered as having been read, all points of order are hereby waived against said amendment, and no amendment shall be in order to said amendment except—
>
> "(1) A substitute amendment to title VI by Representative Broyhill, if offered, and said amendment shall be considered as having been read and shall not be subject to amendment or to a division of the question in the House or in the Committee of

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[15] Thomas P. O'Neill, Jr. (Mass.).

> the Whole, but shall be debatable for not to exceed 2 hours to be equally divided and controlled by Representative Broyhill and a Member opposed thereto and all points of order against said amendment are hereby waived and (2) the amendments of Representative Latta of Ohio, said amendments shall be considered en bloc and shall be considered as having been read and shall not be subject to amendment or to a division of the question in the House or in the Committee of the Whole, but shall be debatable for not to exceed 4 hours, to be equally divided and controlled by Representative Latta and a Member opposed thereto, and all points of order against said amendments are hereby waived. . . .
>
> [T]he previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions. . . .

THE SPEAKER PRO TEMPORE:(16) The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio (Mr. Latta). . . .

The vote was taken by electronic device, and there were—yeas 216, nays 212, not voting 4, as follows. . . .

So the amendment in the nature of a substitute was agreed to. . . .

THE SPEAKER PRO TEMPORE: The question is on the resolution, as amended. . . .

The vote was taken by electronic device, and there were—yeas 214, nays 208, not voting 9, as follows.

Parliamentarian's Note: The Committee on Rules may, consistent with Rule XI clause 4(b), report a special order which limits the motion to recommit to a straight motion, or to a designated motion with instructions, based upon the ruling of Speaker Rainey on January 11, 1934. (See "House Rules and Manual § 729(b), 100th Cong. (1987).)

Amendments to Bill on Adoption of Special Rule

§ 3.6 Amendments to a bill are not in order in the House during the hiatus following agreement to a resolution making the bill a special order of business in Committee of the Whole, but are properly proposed following the expiration of the time for general debate in Committee of the Whole.

On Dec. 3, 1963,(17) an inquiry was made in the House, in the circumstances described above, concerning the proper time for offering amendments.

MR. [ROBERT J.] DOLE [of Kansas]: Based on the decision of the Chair, is it proper now or in order to offer amendments to section 330 and section 105?

THE SPEAKER:(18) Not at this time.

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16. James C. Wright, Jr. (Tex.).

17. 109 CONG. REC. 23038, 88th Cong. 1st Sess.

    The bill referred to was H.R. 6196 (Committee on Agriculture), to encourage increased consumption of cotton.

18. John W. McCormack (Mass.).

Mr. Dole: But the amendment would be proper at the proper time?

The Speaker: At the proper time in the Committee of the Whole, if the gentleman desires to offer an amendment he may do so.

Open Rule

§ 3.7 Where a bill is being considered in the Committee of the Whole under an "open" rule, germane amendments to the bill are in order under the standing rules of the House.

On July 26, 1965,(19) in response to a parliamentary inquiry as to amendments permissible under the open rule and amendment thereto before the House, Speaker John W. McCormack, of Massachusetts, stated:

> The Chair will state that the resolution is in accordance with the standing rules of the House, and any amendment that is germane under the standing rules of the House would be in order. The standing rules of the House would determine the germaneness of any amendment that might be offered.

Modified Closed Rule

§ 3.8 A "modified closed rule" sometimes permits only committee amendments or designated amendments.

On Dec. 11, 1973,(20) the Chairman(1) of the Committee of the Whole made the following statement with respect to the rule(2) pursuant to which the Trade Reform Act of 1973(3) was being considered.

> All time has expired. Under the rule the bill is considered as having been read for amendment. No amendments are in order except amendments offered by the direction of the Committee on Ways and Means, an amendment offered to section 402 of the bill containing the text printed on pages H9106 and H9107 of the Congressional Record of October 16, 1973, an amendment proposing to strike out title IV of said bill, and an amendment proposing to strike out title V of said bill but said amendments shall not be subject to amendment.

Modified Closed Rule—Effect on Motions To Strike

§ 3.9 To a committee amendment in the nature of a substitute being read by titles for amendment under a special rule prohibiting amendments to amendments offered to title I (thereby permitting only 10 minutes of debate on each permissible amendment to title I), an

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19. 111 Cong. Rec. 18076, 18077, 89th Cong. 1st Sess.

20. 119 Cong. Rec. 40794, 93d Cong. 1st Sess.

1. Edward P. Boland (Mass.).
2. H. Res. 657.
3. H.R. 10710 (Committee on Ways and Means).

amendment inserting a new title II may be amended (including pro forma amendments thereto) and is not subject to the restrictions imposed by that rule.

On Mar. 26, 1974,⁽⁴⁾ during consideration of H.R. 69 (to amend and extend the Elementary and Secondary Education Act), a parliamentary inquiry was raised as to the effect of the special rule as described above.

> Mr. [Albert H.] Quie [of Minnesota]: Mr. Chairman, I have a parliamentary inquiry. . . .
>
> . . . Will the rules that applied to title I apply to this amendment as well, that there can be only one speaker on each side? Or will we go back to the regular rules of the House, where pro forma amendments can be offered to amendments so that the Members can have 5 minutes each, for as long as they wish to do so?
>
> The Chairman (Mr. [Melvin] Price of Illinois): The restrictions of the rule adopted by the House on March 12 would not apply to this amendment.

Rule Restricting Amendments at End of Bill

§ 3.10 Where a special order prohibited the offering of amendments to an amendment (being considered as an original bill) following consideration of the final title for amendment, the Chair indicated that amendments in the form of new titles could be offered prior to consideration of the final title and that adoption of one such amendment would not preclude the offering of another immediately thereafter.

During consideration of H.R. 5640⁽⁵⁾ in the Committee of the Whole on Aug. 10, 1984,⁽⁶⁾ a question arose as to the proper time to offer amendments, in the light of a special rule (H. Res. 570, agreed to on Aug. 9, 1984) which provided in part:

> In lieu of the amendments recommended by the Committees on Energy and Commerce and Ways and Means now printed in the bill, it shall be in order to consider, as an original bill for the purpose of amendment under the five-minute rule, an amendment in the nature of a substitute contained in the Committee Print, Committee on Energy and Commerce, August 6, 1984, consisting of titles I through IV of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill and title V recommended by the Committee on Ways and Means now printed in the bill, said substitute shall be considered for amendment by titles instead of by sections. . . . Until title V of said substitute is considered for amendment, no amendment which

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4. 120 Cong. Rec. 8264, 93d Cong. 2d Sess.

5. Superfund Expansion and Protection Act of 1984.

6. 130 Cong. Rec. 24022, 98th Cong. 2d Sess.

changes, affects or deletes title V shall be in order. No amendment to title V of said substitute shall be in order except an amendment printed in the Congressional Record of August 8, 1984 by, and if offered by, Representative Conable of New York, and said amendment shall not be subject to amendment. . . . At the conclusion of the consideration of title V for amendment, no further amendment shall be in order to the substitute, and the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution.

The proceedings on Aug. 10 were as follows:

Mr. [Elliott H.] Levitas [of Georgia]: Mr. Chairman, I offer an amendment [adding a new title following title IV of the bill]. . . .

Mr. [John B.] Breaux [of Louisiana]: Mr. Chairman, I would just question from the timing standpoint. I have an amendment that is printed in the Record and I am wondering and want to make sure that the amendment of the gentleman from Georgia, being offered at this time, does not prevent mine from being offered following his.

The Chairman:[7] The Chair will advise the gentleman from Louisiana (Mr. Breaux) that he is unable to rule until he sees the two amendments.

Mr. Breaux: Mr. Chairman, if an amendment is to be offered which would create a new title following completion of title IV, would it be in order to offer that amendment following the amendment of the gentleman from Georgia?

The Chairman: The Chair will advise the gentleman that that is correct.

Modified Closed Rule Permitting Only Pre-Printed Amendments

§ 3.11 While an amendment must ordinarily be in the precise form permitted under a special "modified closed rule" under which only specified amendments printed in the Record may be offered, where that amendment has been inserted in the Record without a page reference but with language indicating its point of insertion, the amendment will be in substantial compliance with the special rule when offered in identical form but also including a page designation.

On Apr. 1, 1976,[8] the Chair, in overruling a point of order, stated that, where a special rule made in order the text of a bill as an amendment and also permitted the precise text of an amendment (printed in the Record with a page designation left blank) to be offered as an amendment thereto, the amendment to the amendment, when offered, containing a page reference to the original amendment which had been left blank in the Record version, was in order since the page insertion did not change the point at which the language was intended to be inserted in the original amendment. The proceedings were as follows:

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[7] Joseph G. Minish (N.J.).

[8] 122 Cong. Rec. 9090, 9091, 94th Cong. 2d Sess. Under consideration was H.R. 12406, Federal Election Campaign Amendments of 1976.

Mr. [Timothy] Wirth [of California]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Wirth to the amendment offered by Mr. Phillip Burton: Page 14, immediately after section 9057(c) of the Internal Revenue Code of 1954, as added by the amendment offered by Mr. Phillip Burton, insert the following:
>
> "(d) Limitation.—The Commission shall, not later than April 1 of each election year, determine whether the amount of moneys in the Congressional Election Payment Account will be sufficient to make all payments to which candidates will be entitled under this chapter during such election year. . . .

Mr. [Robert E.] Bauman [of Maryland] (during the reading): Mr. Chairman, I have heard the Clerk read the amendment, and that was not the amendment that was printed in the Record of March 29, 1976. . . .

Mr. Chairman, rule XXIII, clause 6, says, in part:

> Material placed in the Record pursuant to this provision shall indicate the full text of the proposed amendment, the name of the proponent Member, the number of the bill to which it will be offered and the point in the bill or amendment thereto where the amendment is intended to be offered, and shall appear in a portion of the Record designated for that purpose.

Mr. Chairman, on page 8493, of the March 29 Record, to which the rule specifically makes mention, this particular Wirth amendment appears as the beginning line with the page blank. Immediately after subsection 9057(c) there is no page 14 designated, and the Clerk just read page 14.

Mr. Chairman, it is not the same amendment.

The Chairman:(9) The Chair has examined the situation. To the best of his knowledge, there are no precedents. Under the circumstances, it would have been difficult if not impossible for the gentleman to have had the page number when he printed his amendment in the Record, and the Chair believes that the omission of the page number alone does not keep the amendment from being in substantial compliance with the rule. In all other respects, the amendment printed in the Record does indicate the point at which the amendment is to be inserted into the amendment of the gentleman from California.

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9. Richard Bolling (Mo.).

The Chair overrules the point of order.

§ 3.12 Where a special order providing for the consideration of a bill permits the offering only of designated amendments which have been printed in the Congressional Record, an amendment offered under the rule should be in the exact form in which it was printed in the Record, but the Committee of the Whole may by unanimous consent permit modification of the amendment to correct erroneous page and line numbers.

On Aug. 3, 1977,[10] the Committee of the Whole was considering H.R. 8444, the National Energy Act, under a special order which permitted the offering only of certain amendments. The proceedings described above were as follows:

Mr. [John D.] Dingell [of Michigan]: Mr. Chairman, I further direct a question to the gentleman from Ohio; this is the amendment published in the Record on July 27, 1977; am I correct?

Mr. [Clarence J.] Brown of Ohio.: But for the page and line numbers; that is correct.

Mr. Dingell: That is the reason for my inquiry, because I observe that the page and line numbers cited therein were incorrect. The reason I am inquiring is to make sure it is the correct amendment.

Mr. Brown of Ohio: Mr. Chairman, as the gentleman knows, at the time it was published in the Record we were using page and line numbers of the bill then available to us. . . .

Mr. Chairman, if I heard the Clerk correctly, I think the Clerk read the proper page and line numbers. The amendment at the desk relates to the page and line numbers as they would be related in the bill. . . .

Mr. Dingell: Mr. Chairman, I make the observation that the rule does provide that the gentleman from Ohio (Mr. Brown) shall have the authority to offer the amendment now referred to according to the terms and the conditions of the rule. The rule says as follows:

> (3) An amendment printed in the Congressional Record of July 27, 1977, beginning on page 25321, by Representative Brown of Ohio, to part IV, title I, which amendment shall be in order only after disposition of the amendments to that part recommended by the Ad Hoc Committee on Energy printed in or adopted to the bill;

Mr. Chairman, I observe that the amendment printed in the Record is to one portion of the bill, but I observe that the amendment offered is offered to a different portion of the legislation before us.

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[10] 123 Cong. Rec. 26450, 26451, 95th Cong. 1st Sess.

Compare the proceedings of Apr. 1, 1976, at 122 Cong. Rec. 9091, 94th Cong. 2d Sess., where the Chairman stated that it was permissible to insert a page reference in an amendment printed in the Record, where the printed amendment did not contain one, the amendment being considered in substantial compliance with the rule.

Mr. Chairman, I am curious to know whether or not the amendment is offered in conformity with the rule.

Mr. Brown of Ohio . . . The question of the slight differences in page numbers and so forth which were necessitated because of the fact that the printed bill in its final form was not available for the gentleman from Ohio to make reference to when he printed his amendment in the Record. Because of that circumstance we cleared with the Parliamentarian, or so we thought, the appropriateness of the amendment which was submitted to the desk in accordance with the rule. . . .

The Chairman:⁽¹¹⁾ The Chair finds that there is a difference in the page and line numbers that are now before the committee, and if the gentleman from Michigan insists upon his request, the gentleman from Ohio will have to ask unanimous consent that his amendment be modified.

Does the gentleman from Michigan insist upon his request?

Mr. Dingell: I think, Mr. Chairman, we would be better served were that done. It will not prejudice my friend from Ohio.

The Chairman: Is there objection to modification of the amendment?

Mr. [Clifford R.] Allen [of Tennessee]: Mr. Chairman, I object.

The Chairman: Objection is heard.

Mr. Dingell: Mr. Chairman, I make the same unanimous-consent request.

The Chairman: The Chair would like to advise the gentleman that the amendment will be in order regardless of the page and line numbers since an amendment to part IV of title I is permitted in the rule.

Mr. Dingell: Perhaps I can obviate some of the problems. . . . I am sure my good friend from Ohio . . . would assure us that the two amendments are substantively identical.

Mr. Brown of Ohio: They are.

Mr. Dingell: Mr. Chairman, I withdraw my reservation of objection.

§ 3.13 A special order prohibiting amendments to a bill except those printed in the Congressional Record does not apply to amendments which are offered to amendments, unless so specified.

A point of order against an amendment to an amendment, on the grounds that it was not in order under the special rule providing for consideration of the bill, was overruled. The proceedings in the Committee of the Whole on Sept. 7, 1978,⁽¹²⁾ were as follows:

> Mr. [Henry B.] Gonzalez [of Texas]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.
>
> Mr. [Morgan F.] Murphy of Illinois: Mr. Chairman, a point of order.
>
> The Chairman Pro Tempore:⁽¹³⁾ The gentleman will state it.

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11. Edward P. Boland (Ky.).

12. 124 Cong. Rec. 28419, 95th Cong. 2d Sess. Under consideration was H.R. 7308, the Foreign Intelligence Surveillance Act of 1978.

13. John P. Murtha (Pa.).

MR. MURPHY of Illinois: Mr. Chairman, this amendment is not germane in that it is not timely printed in the Record. The gentleman came up to us just a few minutes ago and said the gentleman had printed it in the Record yesterday; but the rule issued July 12 requires it be reported 3 legislative days prior to consideration.

THE CHAIRMAN PRO TEMPORE: The Chair will rule that the rule applies to amendments to the bill and not to amendments to amendments. In this case we have an amendment to a substitute amendment, so the rule does not apply.

The Clerk will report the amendment.

§ 3.14 Where a special order adopted by the House only requires that all amendments offered to a bill in Committee of the Whole be printed in the Record, any Member may offer any germane amendment printed in the Record, and there is no requirement that only the Member causing the amendment to be printed may offer it, unless the special order so specifies.

An example of the situation described above occurred on Oct. 31, 1979,(14) during consideration of H.R. 4985, the Priority Energy Projects Act of 1979. The proceedings were as follows:

MR. [NICK J.] RAHALL [II, of West Virginia]: Mr. Chairman, I have an amendment that was printed in the Record.

I also have an amendment by the gentleman from Michigan (Mr. Dingell) that was printed in the Record and through negotiations between the two of us, I am offering the amendment of the gentleman from Michigan (Mr. Dingell) at this point. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, do I understand that under this rule that governs the consideration of this bill that any Member can offer any amendment that was printed in the Record, no matter who the author of the amendment was?

THE CHAIRMAN PRO TEMPORE:(15) The gentleman is correct. That is the correct interpretation.

Parliamentarian's Note: Who may offer a printed amendment under such a rule must be distinguished from who may offer a printed amendment under Rule XXIII clause 6 to be entitled to debate in Committee of the Whole; that rule specifically speaks to the Member who caused the amendment to be printed.

§ 3.15 A resolution reported from the Committee on Rules which prohibits amendments to a bill except amendments printed in the Congressional Record at least two legislative days before

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(14) 125 CONG. REC. 30441, 96th Cong. 1st Sess.

(15) Norman D. Dicks (Wash.).

their consideration requires that those amendments be submitted for printing in the Congressional Record bearing a date at least two days before they are offered under the 5-minute rule.

On June 11, 1981,[16] during consideration of House Resolution 148[17] in the House, the proceedings described above occurred as follows:

> Mr. [James M.] Frost [of Texas]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 148 and ask for its immediate consideration.
>
> The Clerk read the resolution, as follows:
>
> H. Res. 148
>
> *Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3480) to amend the Legal Services Corporation Act to provide authorization of appropriations for additional fiscal years, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. No amendment to the bill or to said substitute shall be in order except germane amendments printed in the Congressional Record at least two legislative days before their consideration. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. . . .
>
> [The resolution was adopted.]
>
> Mr. [Gerald B.] Solomon [of New York]: To the Republican whip or the majority leader, I would like a clarification on the Legal Services Corporation legislation.
>
> Do I understand we will be allowed to file amendments with the desk on Monday and that will constitute 48 hours, being 2 working days, Monday and Tuesday? . . .
>
> The Speaker:[18] The Chair will answer that the bill will be up on Tuesday for general debate and for amendments. It is not anticipated, in view of the interest in the bill, that the House will be able to complete the bill on that day.
>
> So, any amendment that would be offered on Tuesday would have to be filed today. Any amendment filed on Monday could be offered on Wednesday if offered to a portion of the bill not yet read.

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[16] 127 Cong. Rec. 12176, 12213, 97th Cong. 1st Sess.

[17] Providing for the consideration of H.R. 3480, to amend the Legal Services Corporation Act.

[18] Thomas P. O'Neill, Jr. (Mass.).

§ 3.16 Where a special rule only permits the offering of amendments in the order printed in the Record, but the Record incorrectly prints certain amendments, the Chair has the prerogative of permitting the amendment to be offered in the form and order submitted for printing.

The Chairman of the Committee of the Whole announced that, pursuant to a special order adopted by the House requiring perfecting amendments printed in the Record to be offered in a specified order, he would recognize a designated Member to offer his amendments in the intended order submitted for printing consistent with grouping of amendments to the budget resolution(19) by subject matter, rather than in the order inadvertently printed in the Record. The proceedings on May 24, 1982,(20) were as follows:

The Chairman:(1) Before the Chair entertains a motion for the Committee to rise, the Chair desires to make a statement relative to the order of the consideration of the perfecting amendments made in order by the House to the amendments in the nature of a substitute to be offered by Representatives Latta, Aspin, and Jones. As indicated by an insertion which will be made in today's Congressional Record by the chairman of the Committee on Rules, which was submitted for pinting in the Congressional Record of May 21, but was omitted from that Record, it was the intent of the special order reported by the Committee on Rules and adopted by the House, House Resolution 477, to group the perfecting amendments in discrete subject matters and categories in order to fashion an orderly process for the consideration of the congressional budget.

The subject matter of revenues is to be considered first, followed by consideration of the defense budget. Due to a clerical error, the first perfecting amendment to be offered by Representative Jones, relating to revenues, was labeled No. 7 in the Congressional Record of May 21, and the second amendment to be offered by Representative Jones, relating to defense, was labeled No. 3 in the May 21 Congressional Record. The amendments were submitted in the proper order for printing in the Record and the Chair would therefore advise the Committee that those amendments will, if offered, be considered in the proper order, with Representative Jones' revenue amendment to be the third perfecting amendment made in order under the rule and Representative Jones' defense amendment to be the seventh perfecting amendment made in order under the rule. The Chair would also point out that the amendment by Representative Wolf, the 47th perfecting amendment made in order under the rule, was printed on page 2637 in the Congressional Record for May 21, but the Member's name was inadvertently

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19. 128 Cong. Rec. 11542, 97th Cong. 2d Sess.

20. H. Con. Res. 345.

1. Richard Bolling (Mo.).

omitted in the printing of the Record. The amendment, which will be reprinted in the Record of May 24, will be in order for consideration since it was properly submitted pursuant to the rule.

The Chair requests that Members bring to his attention any further errors that require correction in order that the Committee of the Whole may proceed in a fair and orderly fashion.

§ 3.17 During consideration of a bill pursuant to a special rule permitting the majority and minority leaders to offer amendments not printed in the Record but permitting all other Members to offer only amendments to the bill which have been printed in the Record, the majority leader was allowed to offer an amendment in the nature of a substitute not printed in the Record, but while the substitute was pending another Member was permitted to offer to the bill a perfecting amendment printed in the Record.

During the proceedings of July 28, 1983,(2) in the Committee of the Whole, it was demonstrated that, pending an amendment in the nature of a substitute for an entire bill, perfecting amendments to the pending portion of the bill could still be offered.

MR. [JAMES C.] WRIGHT [Jr., of Texas, the majority leader]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Wright: Strike out all after the enacting clause and insert in lieu thereof the following:
>
> That the Intelligence Authorization Act for Fiscal Year 1983 is amended by adding at the end thereof the following new title. . . .

MR. [HENRY J.] HYDE [of Illinois]: I have an amendment that was printed in the Record. Will I be given an opportunity to offer it?

THE CHAIRMAN:(3) The Chair will advise the gentleman that a printed perfecting amendment to the bill can be offered before the vote on the Wright amendment in the nature of a substitute.

§ 3.18 Where a special order of business mandates that certain amendments be printed in the Congressional Record prior to their being offered, but does not impose the same requirement on amendments to amendments, an amendment offered as a substitute for an amendment in the nature of a substitute does not need to be printed in the Record prior to its consideration.

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2. 129 CONG. REC. 21468, 21469, 98th Cong. 1st Sess.

3. William H. Natcher (Ky.).

On July 28, 1983,(4) the proposition described above was demonstrated during consideration of H.R. 2760 in the Committee of the Whole. The proceedings were as follows:

Mr. [Doug] Bereuter [of Nebraska]: Mr. Chairman, I offer an amendment as a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment offered by Mr. Bereuter as a substitute for the amendment in the nature of a substitute offered by Mr. Wright:
>
> Strike out all after the enacting clause and in lieu thereof insert the following. . . .

Mr. [Theodore S.] Weiss [of New York]: Mr. Chairman, it is my understanding that substitutes, except for the one offered by the gentleman from Texas, the majority leader, have to be in written form and filed in advance. I understand that this particular substitute had not been, and that is the basis of my point of order. . . .

The Chairman:(5) The Chair would advise the gentleman from New York (Mr. Weiss) that this is an amendment offered as a substitute for the Wright amendment and the rule does not require that it be printed in the Record.

§ 3.19 Where a bill is being considered under a special order requiring amendments to be printed in the Record, and the Chair inadvertently permits the offering of an unprinted amendment which is adopted, those proceedings may be vacated only by unanimous consent.

The circumstance stated above was the basis of the following proceedings which occurred on Oct. 1, 1985,(6) during consideration of H.R. 2100(7) in the Committee of the Whole:

Mr. [Barkley] Bedell [of Iowa]: Mr. Chairman, I offer an amendment that takes care of some concerns that the Committee on Ways and Means had.

The Clerk read as follows: . . .

Mr. Bedell (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The Chairman:(8) Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. Bedell: Mr. Chairman, I yield to the chairman of the committee.

Mr. [Kika] de la Garza [of Texas]: I thank my colleague for yielding.

Mr. Chairman, this takes care of a jurisdictional conflict between our committee and the Committee on Ways and Means. After diligent effort between the staffs and the respective chairmen, the end result is this amendment which would satisfy the Committee on Ways and Means and would do no harm to our committee version, and

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4. 129 Cong. Rec. 21473, 21474, 98th Cong. 1st Sess.
5. William H. Natcher (Ky.).
6. 131 Cong. Rec. 25463, 25464, 25467, 99th Cong. 1st Sess.
7. The Food Security Act of 1985.
8. David E. Bonior (Mich.).

I would urge the Members to accept it. . . .

The Chairman: The question is on the amendment offered by the gentleman from Iowa (Mr. Bedell).

The amendment was agreed to. . . .

Mr. [Robert S.] Walker [of Pennsylvania]: . . . Mr. Chairman, I wanted to raise a problem that I have discovered where we have had an amendment adopted here just a few minutes [ago] that was not eligible for consideration under the rule. It is my understanding that the Bedell amendment that was adopted to this section a few minutes ago had not been printed in the Record in a timely fashion, so under the rule, it was not eligible for consideration on the floor except by unanimous consent.

In fact, we did not have a unanimous-consent request for that amendment, so therefore it should not have been considered under the regular procedures. Given that situation, it seems to me that the House should not be acting upon an amendment at this point that is based upon perfecting language that was offered that was not in fact eligible for consideration on the House floor.

If I might, Mr. Chairman, I ask unanimous consent that the proceedings be vacated under [which] the Bedell amendment to this section was adopted.

The Chairman: Is there objection to the request of the gentleman from Pennsylvania?

Mr. [James] Weaver [of Oregon]: Mr. Chairman, I object.

The Chairman: Objection is heard.

§ 3.20 Where the House had adopted a special order permitting only amendments printed in the Record, a Member who had incorrectly submitted an amendment for printing which was part of another amendment and which did not contain separate instructions as to where it would be inserted in the bill was precluded on a point of order from offering the amendment.

On Oct. 3, 1985,(9) during consideration of H.R. 2100(10) in the Committee of the Whole, it was demonstrated that an amendment must contain instructions to the Clerk as to the portion of the bill it seeks to amend, and is subject to a point of order if not proper in form.

The Chairman:(11) The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Conte: Page 11, line 12, add the following after the period: "The term 'payments' as used in this section shall include the amount by which any repayment of construction costs pursuant to Federal reclamation law (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof and supplementary thereto) is exceeded by the full cost, as defined by section 202(3)(A)–(C) of the Reclamation Reform Act of 1982 (Public Law 97-293, 96 Stat. 1263), less $5,000.". . .

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(9) 131 Cong. Rec. 25970, 25971, 99th Cong. 1st Sess.

(10) The Food Security Act of 1985.

(11) David E. Bonior (Mich.).

THE CHAIRMAN: Will the gentleman from Massachusetts give the Chair his attention on this issue?

The Clerk reported an amendment offered by the gentleman from Massachusetts dealing with reclamation.

It would be in order for the gentleman from Massachusetts (Mr. Conte) to ask unanimous consent that the amendment as reported be the one that the gentleman printed in the Record and spoke to concerning honey. Does the gentleman make that request at this time?

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, I ask unanimous consent that the amendment that I offered pertain to this honeybee amendment. The Clerk now has it at the desk.

THE CHAIRMAN: Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

> Amendment offered by Mr. Conte: (1) Section 201 of the Agriculture Act of 1949; 7 U.S.C. 1446 is amended by striking in the first sentence the word "honey."
>
> (2) Subsection (b) of such section is hereby repealed.

THE CHAIRMAN: Does the gentleman from Texas continue to reserve on his point of order?

MR. [KIKA] DE LA GARZA [of Texas]: Yes, Mr. Chairman. This is the amendment I was reserving the point of order on. . . .

Mr. Chairman, if I may be heard on my point of order, I would not object to the gentleman having made his plea for the amendment. But the amendment as printed in the Record, Mr. Chairman, does not designate a proper page or title or section of the bill, and for that reason I would submit that it is out of order. . . .

MR. CONTE: Mr. Chairman, when we submitted the amendments, unfortunately the printer put them en bloc. That was the unfortunate part, but I feel the amendment is germane, and it is germane to section X of the bill.

THE CHAIRMAN: The Chair is prepared to rule.

The Chair will rule that the amendment as submitted was not correctly printed as a separate amendment, and the Chair will sustain the point of order of the gentleman from Texas.

Parliamentarian's Note: Despite Mr. Conte's unanimous consent to separate the honeybee amendment from the reclamation amendment, it was still subject to the point of order that it did not contain proper instructions as to where it would be inserted in the bill.

§ 3.21 Where a bill is being considered under a rule requiring prior printing of amendments in the Congressional Record, an amendment printed with specific page and line numbers may be offered in that form, even though that form does not reflect the offeror's intent.

On Oct. 3, 1985,(12) in the Committee of the Whole, an amend-

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12. 131 CONG. REC. 26021, 26022, 99th Cong. 1st Sess.

ment was modified by unanimous consent to reflect the version of the bill[13] then being considered:

Mr. [Beryl F.] Anthony [Jr., of Arkansas]: Mr. Chairman, I offer an amendment.

The Chairman Pro Tempore: Is the amendment printed in the Record?

Mr. Anthony: It is printed in the Record, Mr. Chairman.

The Chairman Pro Tempore: The Clerk will report the amendment.

Mr. Anthony: Mr. Chairman, I ask unanimous consent that the amendment be modified to read "Page 323, strike lines 6 through 10."

The Chairman Pro Tempore: Is there objection to the request of the gentleman from Arkansas?

Mr. [William W.] Franklin [of Mississippi]: Mr. Chairman, reserving the right to object, is this the amendment that was originally offered by the gentleman from Illinois [Mr. Rostenkowski]?

Mr. Anthony: Yes, it is.

Mr. Franklin: I would like to ask, under the reservation, if I could, if the amendment that is presently at the desk is in the same form as the one printed in the Record.

Mr. Anthony: It is the identical amendment. All it does is correct the pages, inasmuch as when the amendment was filed, it was according to the bill that was reported out of the committee rather than the one that was under the Union Calendar version. It is the identical amendment. . . .

Mr. Franklin: Mr. Chairman, continuing under my reservation, I would like to raise a point of order to the amendment now offered, which was originally filed by the gentleman from Illinois [Mr. Rostenkowski], and state that the amendment as printed in the Record does not refer to the sections to be amended on H.R. 2100, the Union Calendar, under which we are dealing.

I would call the Chair's attention to a previous ruling on a point of order when the distinguished gentleman from Massachusetts attempted to strike the honey provisions of H.R. 2100 and the Chair ruled, because of a not specific reference to line and title and page number, that that amendment was ruled out of order.

I at this time insist on my point of order to the amendment.

The Chairman Pro Tempore: The amendment that is in the Record has a specific line and title and may be offered in that form.

The Clerk will report the amendment. . . .

Mr. Anthony: Mr. Chairman, I ask unanimous consent to modify my amendment to conform with the Union Calendar version of the bill.

The Chairman Pro Tempore: Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The text of the amendment, as modified, is as follows:

> Amendment offered by Mr. Anthony, as modified: Page 323, strike out lines 6 through 10.

The Chairman Pro Tempore: The question is on the amendment offered by the gentleman from Arkansas [Mr. Anthony], as modified.

The amendment, as modified, was agreed to.

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[13] H.R. 2100, the Food Security Act of 1985.

Modification of Pending Amendments Under a Modified Closed Rule

§ 3.22 Where a special order of business precludes the offering of amendments not printed in the Congressional Record by a previous date, amendments may only be offered in the form as printed and may be modified by unanimous consent.

During consideration of H.R. 2100[14] on Oct. 1, 1985,[15] the proposition described above occurred as follows:

> THE CHAIRMAN:[16] When the Committee of the Whole rose on Thursday, September 26, title IV was open to amendment at any point to amendments printed in the Congressional Record before September 24, 1985.
>
> Are there amendments to title IV? . . .
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Glickman: Title IV of H.R. 2100 is amended by—
>
> On page 65, after line 8, striking all through "shall" on line 11 and inserting in lieu thereof the following:
>
> "(2) If the Secretary determines that the availability of nonrecourse loans and purchases will not have an adverse effect on the program provided for in paragraph (3), the Secretary may". . . .
>
> Title V of H.R. 2100 is amended by—
>
> On page 87, after line 15, striking all through "shall" on line 18 and inserting in lieu thereof the following: . . .
>
> MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, I believe a point of order would lie against the amendment offered by the gentleman from Kansas (Mr. Glickman) because the amendment, if I understand the amendment that is being offered, goes to more than one title of the bill. . . .
>
> MR. [DAN] GLICKMAN [of Kansas]: Mr. Chairman, the amendment amends two titles of the bill. To be frank with the Chair, it was submitted as one amendment, but the intention of the author of this amendment as well as the other authors was to deal with the issues as they affected title IV and then title V. I put it in one title of the bill, but, to be honest with the Chair, the issues are divisible, they are separate. I could have amended it and put it in two separate amendments. I did not because that is not the way the issue came up in the Committee on Agriculture. . . .
>
> MR. ROBERT F. SMITH [of Oregon]: . . . Mr. Chairman, rule III of the rules provides that consideration can only be by title, not by section. I think the point remains that there is no question that this amendment does affect two titles. . . .
>
> MR. [ARLAN] STANGELAND [of Minnesota]: . . . I just want to make the point that the amendment was printed in two distinctly separate sections. One portion of the amendment dealt with wheat and target prices and marketing loans. The second section of the amendment deals with title V, the feed grain section. Two distinctly different

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[14] The Food Security Act of 1985.

[15] 131 CONG. REC. 25418-20, 99th Cong. 1st Sess.

[16] David E. Bonior (Mich.).

amendments but introduced in the Record as, unfortunately, one amendment. . . . I would just appeal to the Chair that the intent of the authors was that because they were handled en bloc in committee, we would run that way, but they are divisible, they can be addressed to title IV and title V very distinctly in the amendment. . . .

THE CHAIRMAN: The Chair is prepared to rule.

The Chair would state that the Chair can only look at the form in which the amendment has been submitted for printing in the Record. According to the rule, the substitute shall be considered for amendment by title instead of by sections, and only amendments to the bill which have been printed in the Record by September 24 may be offered.

Therefore, the only way in which the amendment that the gentleman from Kansas (Mr. Glickman) wishes to offer could be considered is by unanimous consent.

The Chair sustains the point of order.

Parliamentarian's Note: Under a closed or modified closed rule, it is not allowable in the Committee of the Whole to offer an amendment not made in order by the rule. But once a proper amendment is before the Committee of the Whole, having been offered in conformity with the terms of the rule, such amendment may in some instances be modified by unanimous consent. See, for further example, the unanimous consent request of Mr. Robert J. Lagomarsino, of California, at 131 Cong. Rec. 37374, 99th Cong. 1st Sess., Dec. 17, 1985, during consideration of H.R. 3838 (the Tax Reform Act of 1985), being considered pursuant to House Resolution 343.

§ 3.23 Where the Committee of the Whole is considering a bill under a "modified closed" rule allowing only designated amendments to be offered and prohibiting amendments to said amendments, an amendment made in order under the rule may be modified or amended only by unanimous consent.

An illustration of the procedure for modifying amendments made in order under a rule as described above is to be found in the proceedings of Sept. 1, 1976:(17)

THE CHAIRMAN:(18) Pursuant to the rule, the bill is considered as having been read for amendment. No amendments are in order except amendments recommended by the Committee on Appropriations and the amendments printed in the Congressional Record of August 31, 1976, by Representative Shipley, but said amendments shall not be subject to amendment except amendments recommended by the Committee on Appropriations and pro forma amendments.

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17. 122 CONG. REC. 28871, 28872, 28877, 94th Cong. 2d Sess.

18. Otis G. Pike (N.Y.).

Are there any points of order?

If not, the Chair recognizes the gentleman from Illinois (Mr. Shipley). . . .

MR. [GEORGE E.] SHIPLEY: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Shipley: Page 2, line 15, strike the period and insert in lieu thereof: "*Provided*, That none of the funds contained in this Act shall be used for increases in salaries of Members of the House of Representatives pursuant to section 204a of Public Law 94–82.". . .

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I ask unanimous consent to modify the Shipley amendment by adding at the end thereof a sentence which I will ask that the Clerk report.

THE CHAIRMAN: The Clerk will report the modification to the amendment.

The Clerk read as follows:

> At the end of the Shipley amendment add a further sentence as follows: No part of the funds appropriated in this Act or any other act shall be used to pay the salary of an individual in a position or office referred to in section 225(f) of the Federal Salary Act of 1967. . . .

THE CHAIRMAN: Is there objection to the request of the gentleman from Arizona?

There was no objection.

§ 3.24 While a special rule adopted by the House controlling the consideration of a bill may not be directly amended in the Committee of the Whole even by unanimous consent, the Committee may, by unanimous consent, permit the modification of an amendment, when offered, made in order by that special rule.

On Aug. 2, 1977,[19] during consideration of H.R. 8444 (the National Energy Act), there was pending in the Committee of the Whole a committee amendment under a special rule permitting a designated amendment to be offered only to such committee amendment, rather than separately to the bill. The Chair,[20] during these proceedings, entertained a unanimous-consent request to modify the designated amendment, which had been made in order by the rule and offered by Mr. William D. Ford, of Michigan. The modified amendment, while retaining its status as an amendment to the committee amendment consistent with the rule adopted by the House, changed the substantive text of the amendment by limiting its application to the committee amendment to which offered rather than, as originally printed in the Record, to the entire title of the bill. The Ford amendment read as follows:

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[19] 123 CONG. REC. 26161, 26163, 26166, 26167, 95th Cong. 1st Sess.

[20] Frank E. Evans (Colo.), Chairman Pro Tempore.

Amendment offered by Mr. Ford of Michigan to the ad hoc committee amendment: At the end of the committee amendment on page 180, insert the following new section:

"Sec. 5. Application of Davis-Bacon Act.

"The Federal employee or officer primarily responsible for administering any program established under any provision of, or amendment made by, title I of this Act which provides for Federal funding shall take such steps as are necessary to insure by contractors or subcontractors in the performance of work on any construction utilizing such funds will be paid at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a–276a–5, known as the Davis-Bacon Act); and the Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950. . . .

At this point, Mr. Richard L. Ottinger, of New York, raised a parliamentary inquiry as follows:

Mr. Ottinger: Mr. Chairman, would it be in order to ask unanimous consent that the Ford amendment be considered separately. . . .

The Chairman:[1] The Chair will state to the gentleman from New York that the Ford amendment is in order only under the rule and the rule cannot be changed.

Mr. Ottinger: And it cannot be changed by unanimous consent?

The Chairman: The Committee of the Whole cannot directly change House Resolution 727, the special rule adopted by the House, even by unanimous consent.

Subsequently, after some discussion of the scope of the Ford amendment, Mr. Ford asked unanimous consent that it be modified.

Mr. Ford of Michigan: Mr. Chairman, if the gentleman will assist me . . . I would be very happy to ask unanimous consent to add, before the words, "title I," on line 17, the words, "part III of.". . .

Mr. [Garry] Brown of Michigan: Mr. Chairman, it is my understanding that the Chair has ruled that even by unanimous consent the gentleman could not amend his amendment. All I am trying to do in this colloquy is establish the legislative understanding.

Mr. Ford of Michigan: I do not understand that there would be a ruling that by unanimous consent I cannot modify my amendment.

The Chairman Pro Tempore: The Chair will state that the Chair merely stated that the rule cannot be amended by unanimous consent. The Chair did not state that the amendment could not be amended by unanimous consent.

Mr. Ford then modified his amendment by unanimous consent, whereupon the amendment was agreed to, and the ad hoc committee amendment, as so amended, was agreed to. A parliamentary inquiry was raised, as follows:

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[1] Edward P. Boland (Mass.).

Mr. [Robert E.] Bauman [of Maryland]: Mr. Chairman, earlier today when the gentleman from Massachusetts occupied the chair, a question was put to the Chair whether or not by unanimous consent amendments could be offered to the bill.

The resolution under which this bill is being considered says on page 2:

> No amendment to the bill shall be in order except pro forma amendments for the purpose of debate and except the following amendments, which shall be in order without the intervention of any point of order, which shall not be subject to amendment except for amendments recommended by the Ad Hoc Committee on Energy. . . .

Now, subsequent to the Chair's rule, with the gentleman from Colorado in the chair, in response to a question when the gentleman from Michigan (Mr. Ford) offered a unanimous-consent request, said that the unanimous-consent request would be in order.

My question to the Chair is, what is the ruling on unanimous consent amendments to this bill or to the bill henceforth?

The Chairman: The Chair will respond by indicating that the Chair at the time understood the unanimous-consent request by the gentleman from New York was to change the rule adopted by the House.

The Chair would agree that by unanimous consent modification of a pending amendment is permissible in Committee of the Whole.

Mr. Bauman: Mr. Chairman, so any pending amendment can be modified by unanimous consent?

The Chairman: The gentleman is correct.

Parliamentarian's Note: See also the proceedings of Sept. 1, 1976,(2) relating to H.R. 14238, legislative branch appropriations for fiscal 1977, which was considered under a "modified closed" rule (H. Res. 1507) allowing only designated amendments to be offered and prohibiting amendments to said amendments. An amendment that had been made in order under the rule and offered by Mr. George E. Shipley, of Illinois, was modified pursuant to a unanimous-consent request by Mr. Morris K. Udall, of Arizona.

§ 3.25 Where a special rule permits the offering of only those germane amendments to a bill which have been printed in the Record, an amendment which differs in any respect from a printed amendment may not be offered (except by unanimous consent) even to cure a germaneness defect in a printed amendment previously ruled out.

On Oct. 5, 1977,(3) the Committee of the Whole having under

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2. 122 Cong. Rec. 28877, 94th Cong. 2d Sess.
3. 123 Cong. Rec. 32510, 32511, 95th Cong. 1st Sess.

consideration H.R. 8410,(4) a point of order against an amendment, described above, was sustained by the Chair. The proceedings were as follows:

Mr. [John M.] Ashbrook [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Ashbrook: Page 17, line 5, insert "(i)" after "(A)" and insert the following new subparagraph (ii) after line 15:
>
> "(ii) which shall assure that the expressing of any views, arguments, opinion, or the making of any statement or the dissemination thereof . . . shall not constitute grounds for . . . setting aside the results of any election conducted under section 9(c)(6) of this Act, if such expression contains no threat of reprisal or force or promise of benefit."

The Chairman:(5) The Chair would like to inquire of the gentleman from Ohio (Mr. Ashbrook) if this amendment which was reported by the Clerk is printed in the Record?

Mr. Ashbrook: Mr. Chairman, I would say the amendment was printed in the Record. The Chair previously ruled it out of order and I have struck certain language to make it conform with the ruling of the Chair.

Mr. [Frank] Thompson [Jr., of New Jersey]: Mr. Chairman, I make the point of order that the amendment was not printed in the Record, notwithstanding the attempt of my good friend to revise it in such a way as to indicate that it was. . . .

The Chairman: The Chair would have to sustain the point of order. . . .

Mr. Ashbrook: Mr. Chairman, is the Chair indicating an amendment that was printed in the Record on Monday and ruled out of order for parliamentary reasons cannot be revised and offered as a substitute?

The Chairman: The Chair would like to advise the gentleman that the amendment was not printed in the Record in the form in which the gentleman now presents it as an amendment to the bill.

Mr. Ashbrook: The gentleman from Ohio would concede that.

The Chairman: And the Chair would be constrained to sustain the point of order.

§ 3.26 Unanimous consent was obtained in the House to modify an amendment printed in the Congressional Record and made in order for consideration in the Committee of the Whole by a special order of business.

On Sept. 4, 1984,(6) during consideration of general business in

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4. The Labor Reform Act of 1977.
5. William H. Natcher (Ky.).
6. 131 Cong. Rec. 22837, 99th Cong. 1st Sess.

See 131 Cong. Rec. 31387, 99th Cong. 1st Sess., Nov. 12, 1985, for an instance in which, following adoption of a "modified closed" rule permitting only one amendment to be offered to a joint resolution continuing appropriations, the Chairman of the Committee on Appropriations was, by unanimous consent, permitted by the House to offer an additional amendment in the Committee of the Whole.

the House, the situation described above occurred as follows:

Mr. [James J.] Howard [of New Jersey]: Mr. Speaker, I ask unanimous consent that the committee amendment at the desk which was printed in the Congressional Record on July 11, 1985, and which the rule, House Resolution 223, passed by the House on July 24 makes in order during the consideration of H.R. 10, be modified to conform to funding ceilings represented by Senate Concurrent Resolution 32, passed by the Congress August 1, 1985, setting forth the congressional budget for the United States.

§ 3.27 An amendment specifically made in order under a "modified closed" rule adopted by the House and not amendable thereunder may be modified in Committee of the Whole only by unanimous consent.

The proposition stated above was the basis of the following exchange, which occurred on Aug. 14, 1986,(7) during consideration of H.R. 4428(8) in the Committee of the Whole:

Mr. [James A.] Courter [of New Jersey]: Mr. Chairman, is this modification of the amendment permissible and germane, or does it need unanimous consent to be considered?

The Chairman Pro Tempore:(9) The Chair will state to the gentleman from New Jersey that a modification of this sort is permitted only by unanimous consent.

Mrs. [Cardiss] Collins [of Illinois]: Mr. Chairman, I again ask unanimous consent to offer the modification to the amendment.

The Chairman Pro Tempore: Is there objection to the request of the gentlewoman from Illinois?

Mr. Courter: Mr. Chairman, I object.

Modification of Amendment Process by Unanimous Consent

§ 3.28 Where a bill is by unanimous consent considered in the House as in the Committee of the Whole, the bill is considered as read and open to amendment at any point, despite the fact that the House has previously adopted a special order providing that the bill be read by title in the Committee of the Whole.

On Feb. 9, 1977,(10) the House having previously adopted a special order(11) providing that H.R. 692 be read by title in the Committee of the Whole, a unanimous-consent request was agreed to to consider the bill in the House as in the Committee of the Whole. The proceedings were as follows:

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(7) 132 Cong. Rec. 21686, 99th Cong. 2d Sess.

(8) The Department of Defense Authorization, fiscal year 1987.

(9) Marty Russo (Ill.).

(10) 123 Cong. Rec. 3977, 3981, 95th Cong. 1st Sess.

(11) H. Res. 270, 123 Cong. Rec. 3976, 3977, 95th Cong. 1st Sess.

> Mr. [Neal] Smith of Iowa: Mr. Speaker, I call up the bill H.R. 692 to amend the Small Business Act and the Small Business Investment Act of 1958 to increase loan authorization and surety bond guarantee authority; and to improve the disaster assistance, certificate of competency and small business setaside programs, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.
>
> The Speaker:[12] Is there objection to the request of the gentleman from Iowa?
>
> There was no objection.
>
> The Clerk read the bill as follows:
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled* . . . .
>
> The Speaker: Does the gentleman from Iowa have further amendments?
>
> Mr. Smith of Iowa: Mr. Speaker, I have an amendment to title III but the bill is to be read by titles.
>
> The Speaker: The bill is open to amendment at any point so the amendment is in order.

§ 3.29 Where the Committee of the Whole was considering for amendment a bill pursuant to a special order permitting only designated amendments, including committee amendments, which were not subject to substantive amendments except those specified in the resolution, the Chair stated in response to a parliamentary inquiry that the pending amendment had been made in order only as a perfecting amendment to the pending committee amendment, and that the Committee of the Whole could not, even by unanimous consent, directly alter the special order adopted by the House to require the perfecting amendment to be offered to the bill after disposition of the pending committee amendment.

On Aug. 2, 1977,[13] the Committee of the Whole had under consideration H.R. 8444, the National Energy Act. An amendment, referred to in the proceedings as the "Mikulski amendment," was offered as follows:

> The Chairman:[14] The Clerk will designate the page and the line number of the ad hoc committee amendment [the "Mikulski amendment"] to part III.
>
> The Clerk read as follows:
>
> Ad hoc committee amendment: Page 146, insert the matter in italics on lines 2 through 5, and on page 169, insert the matter on page 169, line 3 through page 180, line 7.
>
> [The ad hoc committee amendment reads as follows:]

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[12] Thomas P. O'Neill, Jr. (Mass.).

[13] 123 Cong. Rec. 26158, 26160, 26161. 95th Cong. 1st Sess.

[14] Edward P. Boland (Mass.).

PART III—ENERGY CONSERVATION PROGRAM FOR SCHOOLS AND HEALTH CARE FACILITIES AND BUILDINGS OWNED BY UNITS OF LOCAL GOVERNMENT. . . .

Mr. William D. Ford, of Michigan, offered an amendment:

MR. FORD of Michigan: Mr. Chairman, I offer an amendment to the ad hoc committee amendment.

The Clerk read as follows:

> Amendment offered by Mr. Ford of Michigan to the ad hoc committee amendment: At the end of the committee amendment on page 180, insert the following new section:
>
> "Sec. 5. Application of Davis-Bacon Act.
>
> "The Federal employee or officer primarily responsible for administering any program established under any provision of, or amendment made by title I of this Act which provides for Federal funding shall take such steps as are necessary to insure that all laborers and mechanics employed by contractors or subcontractors in the performance of work on any construction utilizing such funds will be paid at rates not less than those prevailing on similar construction in the locality. . . .

MR. [JOHN B.] ANDERSON of Illinois: Mr. Chairman, it was my understanding under the rule previously adopted that we would proceed to a consideration of all 23 of the amendments adopted in the ad hoc committee and that any other amendments would be subsequent to that.

Can the Chair enlighten us as to what the procedure will be?

THE CHAIRMAN: We are only treating the ad hoc committee amendments to the pending part of the bill under the rule, which makes the amendment of the gentleman from Michigan (Mr. Ford) in order to the pending committee amendment. . . .

MR. [RICHARD L.] OTTINGER [of New York]: Mr. Chairman, is the gentleman's amendment an amendment to the Mikulski amendment or an amendment to the committee amendment?

THE CHAIRMAN: The gentleman's amendment is an amendment to the committee amendment, the so-called Mikulski amendment.

MR. OTTINGER: Is that in order?

THE CHAIRMAN: That amendment is in order under the rule.

MR. OTTINGER: To the Mikulski amendment?

THE CHAIRMAN: The gentleman from Michigan offered an amendment to the committee amendment, the ad hoc committee amendment. That amendment is the so-called Mikulski amendment and the amendment of the gentleman from Michigan is in order under the rule. . . .

MR. OTTINGER: Mr. Chairman, would it be in order to ask unanimous consent that the Ford amendment be considered separately, since it has nothing to do with the Mikulski amendment?

THE CHAIRMAN: The Chair will state to the gentleman from New York that the Ford amendment is in order only under the rule and the rule cannot be changed.

MR. OTTINGER: And it cannot be changed by unanimous consent?

THE CHAIRMAN: The Committee of the Whole cannot directly change House Resolution 727, the special rule adopted by the House, even by unanimous consent.

Parliamentarian's Note: Unanimous-consent requests may be entertained in Committee of the Whole by the Chair if their effect is to allow procedures which differ only in minor or incidental respects from the procedure required by a special order adopted by the House. Thus, debate under the five-minute rule may be extended by unanimous consent where the House is operating under a "closed" rule;(15) a modification to a designated amendment made in order by a "modified closed" rule may be permitted by unanimous consent;(16) and a page reference may be included in a designated amendment made in order where the printed amendment did not include that reference.(17) But where a unanimous-consent request directly alters the basic structure of a complex and detailed rule, particularly a "modified closed" rule, the Chair should refuse to entertain the request.(18)

Of course, because the House, and not the Committee of the Whole, has the authority to change the substantive terms of a special order of business previously adopted by the House, the House may, by unanimous consent, delegate to the Committee of the Whole authority to entertain unanimous-consent requests to change procedures contained in an adopted House special order. See, for example, the unanimous-consent request of Mr. G. V. (Sonny) Montgomery, of Mississippi, on Aug. 11, 1986, 99th Cong. 2d Sess., relating to consideration of H.R. 4428 (defense authorization for fiscal 1987) pursuant to House Resolution 531.

§ 3.30 In response to a parliamentary inquiry as to whether the Committee of the Whole could, by unanimous consent, require amendments offered to the pending text to be germane thereto notwithstanding the adoption by the House of a resolution waiving germaneness requirements for any amendment in the nature of a substitute, the Chairman stated that

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15. See 120 Cong. Rec. 8229, 8233, 8243, 93d Cong. 2d Sess., Mar. 26, 1974.

16. See 122 Cong. Rec. 28871, 28872, 28877, 94th Cong. 2d Sess., Sept. 1, 1976.

17. See 122 Cong. Rec. 9090, 9091, 94th Cong. 2d Sess., Apr. 1, 1976.

18. See, for example, 119 Cong. Rec. 41153-55, 93d Cong. 1st Sess., Dec. 12, 1973 (request to read a substitute by sections for amendment was not in order where the special order did not so provide). For further discussion of the use of unanimous consent requests in Committee of the Whole to modify the requirements of a special rule, see *House Rules and Manual* § 877a (101st Cong.).

the Committee of the Whole could not even by unanimous consent directly add to the specific requirements in the rule adopted by the House.

On May 18, 1978,(19) the Committee of the Whole was considering H.R. 39, the Alaska National Interest Conservation Lands Act of 1978. On the previous day, the House had agreed to House Resolution 1186,(20) providing for consideration of H.R. 39 and stating in part:

> In lieu of the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in italic in the bill, it shall be in order to consider the text of the bill H.R. 12625 if offered as an amendment in the nature of a substitute for the bill, said substitute shall be read for amendment under the five-minute rule as an original bill by titles instead of by sections, and all points of order against said substitute or any amendment in the nature of a substitute offered thereto for failure to comply with the provisions of clause 7, rule XVI and clause 5, rule XXI are hereby waived. It shall be in order to consider as amendments to said substitute provisions contained in the text of the bill H.R. 39 as introduced, in the text of the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill H.R. 39, and in the text of the amendments recommended by the Committee on Merchant Marine and Fisheries now printed in the bill H.R. 39, and all points of order against said amendments for failure to comply with the provisions of clause 7, rule XVI and clause 5, Rule XXI are hereby waived.

The text of H.R. 12625 having been offered as an amendment in the nature of a substitute (to be read as an original bill for amendment), with an amendment in the nature of a substitute (the Meeds amendment) to be offered thereto subsequently, the following exchange occurred:(21)

Mr. [Morris K.] Udall [of Arizona]: Mr. Chairman, would a unanimous-consent request be in order that under the proceedings under the 5-minute rule no additional substitute amendment for the entire bill would be in order, unless it were germane to H.R. 39 or to the Meeds substitute?

In that case, I would not have to offer the substitute, my substitute, and we can vote up or down on the Meeds amendment. . . .

The Chairman:(1) The Chair will respond to the point raised by the gentleman from Arizona (Mr. Udall) in his parliamentary inquiry. The Chair is advised that the Committee of the Whole cannot amend the rule by unanimous consent.

§ 3.31 Where a special order adopted by the House governing

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19. 124 Cong. Rec. 14391, 95th Cong. 2d Sess.

20. *Id.* at pp. 14139–46.

21. *Id.* at p. 14394.

1. Paul Simon (Ill.).

consideration of a bill specifies the order in which amendments may be considered in Committee of the Whole, the House (but not the Committee of the Whole) may by unanimous consent change the order of consideration of the amendments.

The proposition stated above was the basis of the following proceeding, which occurred on June 14, 1984,(2) during consideration of H.R. 1510:(3)

MR. [ROMANO L.] MAZZOLI [of Kentucky]: . . . Therefore, the gentleman from Kentucky now, Mr. Speaker, makes the unanimous consent request that amendments numbered 46, 47, and 48 to the bill (H.R. 1510) be postponed for consideration until Tuesday next, to become the first order of business on that day.

THE SPEAKER PRO TEMPORE:(4) To become the first order of business upon the resumption of the sitting of the Committee of the Whole under the terms of the rule.

MR. MAZZOLI: Precisely.

MR. [HOWARD L.] BERMAN [of California]: Mr. Speaker, reserving the right to object, are 46, 47, and 48 king of the mountain amendments?

MR. MAZZOLI: It says king of the mountain, on page 3, yes. The gentleman is correct. . . .

THE SPEAKER PRO TEMPORE: The gentleman from Kentucky [Mr. Mazzoli] asks unanimous consent that amendments numbered 46, 47, and 48 be postponed for consideration until Tuesday next and that they be in that order, the first order of business, when the Committee resumes sitting under the Committee of the Whole for the further consideration of the bill (H.R. 1510).

Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Parliamentarian's Note: Where the House has adopted a special order permitting the consideration of amendments in Committee of the Whole only in a prescribed order, the Committee of the Whole must rise to permit the House, by unanimous consent, to change the order of consideration of certain amendments in Committee of the Whole.

§ 3.32 On one occasion, where a special rule governing consideration of a bill made in order only one amendment to a particular title, a technical amendment was permitted to correct a drafting error in the text.

An example of the situation described above occurred on Aug. 10, 1984,(5) during consideration of

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(2) 130 CONG. REC. 16403-05, 98th Cong. 2d Sess.

(3) The Immigration Reform and Control Act of 1983.

(4) James C. Wright, Jr. (Tex.).

(5) 130 CONG. REC. 24052, 98th Cong. 2d Sess.

H.R. 5640.(6) The proceedings in the Committee of the Whole were as follows:

> Mr. [Wyche] Fowler [Jr., of Georgia]: Mr. Chairman, I offer a technical amendment to title VI, and I ask unanimous consent for its consideration at this time.
>
> The Chairman:(7) Is there objection to the request of the gentleman from Georgia?
>
> There was no objection.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Fowler: Page 73, strike out lines 9 and 10 and substitute: "(i) barium sulfide, or any other taxable chemical which is a metal or metallic compound, and". . . .
>
> Mr. [Howard C.] Nielson of Utah: I understood the only amendments to title V would be the one by Representative Conable.
>
> Mr. Fowler: I will say to the gentleman that this was done by unanimous consent. It was a technical amendment because it was a drafting problem. . . .
>
> The Chairman: The question is on the amendment offered by the gentleman from Georgia (Mr. Fowler).
>
> The amendment was agreed to.

Parliamentarian's Note: This type of modification of the terms of the rule should only be entertained in the House, not in the Committee of the Whole.

—Additional Debate Permitted by Unanimous Consent

§ 3.33 The House, by unanimous consent, agreed to permit 30 additional minutes debate in the Committee of the Whole on a specified amendment to a bill being considered under a rule prohibiting pro forma amendments.

On Apr. 20, 1955,(8) the following proceedings took place:

> Mr. [Robert J.] Corbett [of Pennsylvania]: Mr. Speaker, I would like to raise the question, if this rule is adopted, and when the amendments are presented, whether or not the amendments will be open to discussion under the 5-minute rule or we will be limited to one 5-minute speech for and one 5-minute speech against the amendment?
>
> The Speaker Pro Tempore:(9) Under the rules, there will be [one 5-minute speech for and one 5-minute speech against]. No pro forma amendments will be in order. . . .
>
> Mr. [Howard W.] Smith of Virginia: . . . After consultation with the minority I ask unanimous consent that debate under the 5-minute rule on the amendment which will be offered at page 82 of the bill relating to the pay schedule, be extended for 30 additional minutes, which will provide for 40 minutes of debate. . . .
>
> There was no objection.

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6. Superfund Expansion and Protection Act of 1984.
7. Joseph G. Minish (N.J.).
8. 101 Cong. Rec. 4829, 4834, 84th Cong. 1st Sess.
9. Carl Albert (Okla.).

Pro Forma Amendments

§ 3.34 Pro forma amendments are not in order when a bill is being considered under a "closed" rule which permits no amendments except by direction of the committee reporting the bill and no amendments thereto.

On Oct. 5, 1962,(10) the following proceedings took place:

> THE CHAIRMAN:(11) There being no further requests for time, under the rule the House concurrent resolution is considered as having been read for amendment. No amendment is in order except amendments offered by the direction of the Committee on Foreign Affairs and such amendments shall not be subject to amendment. . . .
>
> MR. [THOMAS B.] CURTIS of Missouri: Mr. Chairman, I move to strike out the last word.
>
> THE CHAIRMAN: The Chair will state that the only amendment in order is the amendment offered by the committee.
>
> The gentleman can rise in support of the amendment.

§ 3.35 Where a special order adopted by the House provides special procedures governing the consideration of an amendment if offered in the Committee of the Whole, the Chair announces after such an amendment is offered and before debate begins thereon the relevant provisions of the special order.

On Oct. 17, 1979,(12) the Committee of the Whole having under consideration S. 832,(13) the above-stated proposition was illustrated as indicated below:

> THE CHAIRMAN:(14) Pursuant to the rule the Clerk will now read the committee amendment in the nature of a substitute recommended by the Committee on House Administration now printed in the reported bill as an original bill for the purpose of amendment.
>
> The Clerk read as follows:
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439c) is amended by striking out "and" after "1977" and by inserting after "1978" the following: ", and $8,998,823 for the fiscal year ending September 30, 1980". . . .
>
> MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Obey: At the end of the bill, add the following:
>
> Sec. 2. (a) Section 320 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following new subsection. . . .

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(10) 108 CONG. REC. 22636, 87th Cong. 2d Sess. Under consideration was H. Con. Res. 570 (Committee on Foreign Affairs).

(11) Samuel S. Stratton (N.Y.).

(12) 125 CONG. REC. 28643–45, 96th Cong. 1st Sess.

(13) Federal Election Campaign Act of 1971 Amendments.

(14) William H. Natcher (Ky.).

THE CHAIRMAN: The Chair would like to state that pursuant to the rule no amendments are in order to this amendment except pro forma amendments for the purpose of debate, and the following amendments which shall not be subject to amendment except for pro forma amendments for the purpose of debate:

First, the three amendments printed on page H8111 of the Congressional Record of September 18, 1979, by Representative Obey; and Second, the amendment to the text of H.R. 4970, printed in the Congressional Record of September 19, 1979, by Representative Minish, which shall be in order only if amendment No. 1, printed in the Congressional Record of September 18, by Representative Obey, is defeated.

The Chair now recognizes the gentleman from Wisconsin (Mr. Obey) for 5 minutes in support of his amendment.

Parliamentarian's Note: The special order permitted the offering of a non-germane amendment, subject both to pro forma amendments for debate and to four designated amendments (which in turn were also subject to pro forma amendments). The Chair indicated, in response to a parliamentary inquiry, that pro forma debate on the original amendment could be had although one of the substantive amendments thereto might be pending. For further discussion of debate on amendments, see § 28, infra.

§ 3.36 While normally under the five-minute rule debate on a pro forma amendment may relate either to a pending amendment in the nature of a substitute or to a perfecting amendment thereto (as not necessarily in the third degreee), where a special rule permitted the offering of both perfecting amendments in the second degree and of pro forma amendments to the substitute when perfecting amendments were not pending, the Chair permitted pro forma amendments during pendency of perfecting amendments but, in response to a point of order, required that debate be related solely to the perfecting amendment.

On May 26, 1982,(15) during consideration of House Concurrent Resolution 345(16) in the Committee of the Whole, the situation described above occurred as follows:

MR. [LES] AUCOIN [of Oregon]: Mr. Chairman, I rise to strike the requisite number of words not because I intend to speak to the amendment of the gentleman from Michigan, but instead to take this time in concert with colleagues who care very much about what the Latta amendment does to housing. Not for housing, but to housing. . . .

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15. 128 CONG. REC. 12088, 12090, 97th Cong. 2d Sess.

16. First concurrent resolution on the budget, fiscal 1983.

MR. [JAMES H.] QUILLEN [of Tennessee]: Mr. Chairman, I understood we were debating the Conyers amendment, and I did not hear permission to speak out of order.

MR. AUCOIN: Mr. Chairman, my remarks go to the Latta substitute, and I believe that is pending before the committee.

THE CHAIRMAN:(17) The Chair will have to state that the matter that is pending is the Conyers amendment, and that debate should be germane to the Conyers amendment.

Parliamentarian's Note: The Chairman insisted that debate proceed in an "orderly fashion", that once a perfecting amendment was offered, debate under the five-minute rule be confined thereto, and not to one of the three underlying substitutes pending simultaneously. Separate debate on those substitutes was to be permitted only between consideration of numbered perfecting amendments.

§ 3.37 Where a special order permits both the offering of specified perfecting amendments in a certain order and pro forma amendments, the Chair has discretion to recognize Members to offer pro forma amendments to debate the underlying text between consideration of perfecting amendments.

On May 26, 1982,(18) the Committee of the Whole having under consideration House Concurrent Resolution 345,(19) the Chair responded to a parliamentary inquiry regarding the circumstances described above. The proceedings were as indicated below:

MR. [HENRY A.] WAXMAN [of California]: At the appropriate time after we have completed this amendment, I will seek to strike the last word to make other comments that may be of interest to Members.

MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:(20) The gentleman will state it.

MR. MADIGAN: Is the procedure that has just been suggested by the gentleman from California one that would be in order?

THE CHAIRMAN: The Chair will entertain pro forma amendments between amendments.

MR. MADIGAN: Further pursuing my parliamentary inquiry, Mr. Chairman, how would the gentleman from California be able to be recognized to speak in behalf of something that he says he is not going to offer?

THE CHAIRMAN: Between amendments, no amendment is pending. That is why a pro forma amendment presumably to one of the substitutes will

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17. Richard Bolling (Mo.).

18. 128 CONG. REC. 12141, 97th Cong. 2d Sess.

19. First concurrent resolution on the budget, fiscal 1983.

20. Richard Bolling (Mo.).

be allowed. It provides an opportunity for discussion between amendments.

Modified Closed Rule as Prohibiting Pro Forma Amendment

§ 3.38 Where a rule under which a bill is considered permits only specified amendments and prohibits amendments to such amendments, no pro forma amendments are in order and only two five-minute speeches are permitted on each of the specified amendments.

On Apr. 20, 1955,(1) the following exchange took place:

> MR. [ROBERT J.] CORBETT [of Pennsylvania]: Mr. Speaker, I would like to raise the question, if this rule is adopted, and when the amendments are presented, whether or not the amendments will be open to discussion under the 5-minute rule or we will be limited to one 5-minute speech for and one 5-minute speech against the amendment?
>
> THE SPEAKER PRO TEMPORE:(2) Under the rules, there will be one 5-minutes for and one 5-minutes against. No pro forma amendments will be in order.

§ 3.39 Where a "modified closed rule" provides that a designated amendment may be offered as a new title to a bill and, with the exception of committee amendments thereto, only one designated amendment to that amendment may be offered, only two five-minute speeches are permitted on that amendment to the amendment, since a pro forma amendment thereto would be in the third degree (and a pro forma amendment to the original amendment inserting a new title is specifically prohibited by the rule), and further debate may be had only by unanimous consent.

On Dec. 19, 1975,(3) during consideration of a bill(4) in the Committee of the Whole, an amendment was offered and the proceedings, described above, were as follows:

> MR. [GLENN M.] ANDERSON of California: Mr. Chairman, I offer an amendment to the amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Anderson of California to the amendment offered by Mr. Ullman: In proposed section 301, strike out subsections (b) and (c) and insert in lieu thereof the following:
> >
> > (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations incurred on or after the date of the enactment of this Act.

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1. 101 CONG. REC. 4829, 84th Cong. 1st Sess.
2. Carl Albert (Okla.).
3. 121 CONG. REC. 41788–90, 94th Cong. 1st Sess.
4. H.R. 9771, Airport and Airway Development Act of 1975.

Mr. [Sam] Gibbons [of Florida]: Mr. Chairman, I rise in opposition to the amendment. . . .

Mr. [Alphonzo] Bell [of California]: Mr. Chairman, I rise in support of the amendment offered by the gentleman from California. . . .

Mr. Gibbons: Mr. Chairman, as I understood the rule granted the Ways and Means Committee, there was only one amendment, and the time under the rule was limited to 5 minutes on each side, and that pro forma amendments or any other amendments are out of order. That is the way I understand the rule.

The Chairman:(5) The rule is a rather complex rule, and if the gentleman will permit the Chair to review this matter, the Chair will respond.

Without objection, the gentleman from California (Mr. Bell) is recognized for 5 minutes.

There was no objection.

[Following Mr. Bell's remarks, the question was taken:]

Mr. Gibbons: Mr. Chairman, I insist on regular order.

The Chairman: Regular order is demanded.

The question is on the amendment offered by the gentleman from California (Mr. Anderson) to the amendment offered by the gentleman from Oregon (Mr. Ullman).

[The amendment to the amendment was agreed to.]

§ 3.40 Pro forma amendments are not in order during consideration of a title of a bill being read pursuant to a special rule prohibiting all amendments except committee amendments to that title.

On Oct. 13, 1977,(6) the Committee of the Whole having under consideration H.R. 8309,(7) the Chair, citing from the rule providing for consideration of the bill and amendments thereto,(8) directed the Clerk to read by titles the committee amendment in the nature of a substitute:

> **The Chairman**:(9) . . . Pursuant to the rule, no amendment to title II of said substitute, and no amendment in the nature of a substitute changing title II of said substitute shall be in order, except amendments offered by direction of the Committee on Ways and Means, and said amendments shall not be subject to amendment.
>
> The Clerk will now read by titles the committee amendment in the nature of a substitute. . . .
>
> Are there any committee amendments to title II?
>
> **Mr. [Robert W.] Edgar** [of Pennsylvania]: Mr. Chairman, I move to strike the last word.
>
> **The Chairman**: Without objection, the gentleman is recognized. The Chair would, however, state that under the rule even pro forma amendments are not allowed to title II.

§ 3.41 Where a bill was being considered for amendment pursu-

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5. George E. Brown, Jr. (Calif.).

6. 123 Cong. Rec. 33627, 33637, 95th Cong. 1st Sess.

7. The Navigation Development Act.

8. H. Res. 776, adopted Oct. 6, 1977.

9. John J. McFall (Calif.).

ant to a special "modified closed" rule permitting only designated amendments to be offered and precluding amendments thereto, with debate on each amendment limited and controlled, the Chair indicated that pro forma amendments for the purpose of debate were not in order.

On May 21, 1986,(10) the Committee of the Whole having under consideration H.R. 4800,(11) the Chair responded to a parliamentary inquiry in the circumstances described above:

> THE CHAIRMAN:(12) When the Committee of the Whole rose on Tuesday, May 20, 1986, all time for general debate had expired.
>
> Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule. The amendments printed in section 2 of House Resolution 456, agreed to by the House on May 15, 1986, are considered as having been adopted.
>
> No other amendments to the bill are in order except the following amendments printed in the Congressional Record of May 15, 1986, except amendment numbered (12) shall be the text of H.R. 4830 in lieu of being printed in the Record. . . .
>
> MR. [DON] YOUNG of Alaska: Mr. Chairman, I have a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state his parliamentary inquiry.
>
> MR. YOUNG of Alaska: Mr Chairman, can I move to strike the last word and get 5 minutes?
>
> THE CHAIRMAN: The time is controlled by the gentleman from Wisconsin (Mr. Roth). The gentleman has to seek time from the gentleman from Wisconsin or the gentleman from Washington (Mr. Bonker).

—Preferential Motion Not Precluded

§ 3.42 A special order governing consideration of a bill in Committee of the Whole which prohibits the Chair from entertaining pro forma amendments for the purpose of debate does not preclude the offering of a preferential motion that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken, since that motion is not a pro forma amendment and must be voted on (or withdrawn by unanimous consent).

An example of the proposition described above occurred on May 4, 1983,(13) during consideration of

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10. 132 CONG. REC. 11484, 11566, 99th Cong. 2d Sess.
11. The Omnibus Trade Act of 1986.
12. Anthony C. Beilenson (Calif.).
13. 129 CONG. REC. 11072, 98th Cong. 1st Sess.

House Joint Resolution 13 (dealing with a nuclear weapons freeze). The proceedings in the Committee of the Whole were as follows:

Mr. [Elliott H.] Levitas [of Georgia]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Levitas moves that the Committee rise and report the resolution back to the House with the recommendation that the resolving clause be stricken.

Mr. [Thomas J.] Downey of New York: Mr. Chairman, I have a point of order.

The Chairman Pro Tempore: The gentleman will state his point of order.

Mr. Downey of New York: Mr. Chairman, my understanding of the rule is that there is a provision in the rule that prohibits motions of this sort for the purpose of debate time. Is that correct?

The Chairman Pro Tempore: The Chair will advise the gentleman it only prohibits pro forma amendments, not preferential motions such as the gentleman has offered.

Rule Permitting Only Amendments Changing Money Amounts

§ 3.43 When a bill was being considered under a modified closed rule providing that "no amendments shall be in order to said bill except proposals to strike out any of its provisions or to increase or decrease the amounts authorized therein," amendments proposing to change the time when provisions of the bill were to become effective were held not to be in order.

On Feb. 16, 1955,(14) the following proceedings took place:

The Clerk read as follows:

> Sec. 5. . . .
>
> (b) The provisions of section 4 shall take effect as of the commencement of the 84th Congress. . . .
>
> Amendment offered by Mr. [Richard H.] Poff [of Virginia]: On page 5, line 13, strike out "84th" and insert in lieu thereof "85th".

Mr. [Emanuel] Celler [of New York]: Mr. Chairman, a point of order. Under the rule, House Resolution 141, the amendment offered by the gentleman from Virginia, is not germane, and therefore not in order.

The Chairman:(15) As stated by the Chair before the reading of the bill, under the rule by which the bill is being considered, no amendments are in order except those raising or lowering the amount, or striking out some portion of the bill.

Therefore, such amendment changing the effective date of the bill would not be in order. . . .

> Amendment offered by Mr. [Usher L.] Burdick [of North Carolina]: Page 5, strike out section 5 and insert a new section 5 to read as follows:
>
> "Sec. 5. This act shall take effect on January 1, 1957.". . .

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14. 101 Cong. Rec. 1585, 1586, 84th Cong. 1st Sess. Under consideration was H.R. 3828, increasing judicial and congressional salaries.

15. Howard W. Smith (Va.).

THE CHAIRMAN: The Chair will state that this amendment falls within the same class as the one previously ruled on with respect to this section.

§ 3.44 To a subsection of a bill (setting a $75,000 limitation on expenditures by candidates for Congress) being considered under a special rule permitting only amendments which solely change money amounts, an amendment adding the exception that a lower limit if imposed by state law shall apply was held in order as solely affecting money amounts in that subsection, by describing a lower amount if enacted by state law without directly conferring discretionary authority upon the states.

On Aug. 8, 1974,(16) the Committee of the Whole had under consideration H.R. 16090, the Federal Election Campaign Act of 1974. The bill was being considered under a special rule(17) which provided in part that "no amendment, including any amendment in the nature of a substitute for the bill, shall be in order except the following: [in title I] germane amendments to subsection 101(a) proposing to change the money amounts regarding contribution and expenditure limits contained in that subsection, providing that the amendments have been printed in the Congressional Record at least 1 calendar day prior to being offered."

Mr. David R. Obey, of Wisconsin, offered an amendment:

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Obey: Page 5, line 2, strike out "; or" and insert in lieu thereof "Except that in any state in which there is an overall spending limit (enacted after the close of December 31, 1970) lower than the $75,000 limit in this section, the spending limit imposed by state law shall apply, notwithstanding any other provision of the law. . . .

Mr. William L. Armstrong, of Colorado, made a point of order against the amendment, on the basis of the provisions of the special rule cited above. The following discussion then took place:

THE CHAIRMAN:(18) Does the gentleman from Wisconsin desire to be heard on the point of order?

MR. OBEY: Yes, Mr. Chairman. I suggest the amendment is in order, because while the language of the rule specifies that amendments are in order only if they change the dollar amounts, this amendment solely changes the dollar amounts. It is just

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16. 120 CONG. REC. 27460, 27461, 93d Cong. 2d Sess.

17. H. Res. 1292, 93d Cong. 2d Sess. (H. Rept. 93-1260).

18. Richard Bolling (Mo.).

that. It contains no formula, as the committee was worried about, it contains no special formula, it contains no special arrangement. The net effect is merely to change the dollar amounts allowed to be spent under the bill.

Mr. Armstrong: Mr. Chairman, it is obvious that the rule does preclude this amendment, because it offers a new regulatory scheme and gives to the States certain discretion not contemplated by the original bill. The drafters of the bill went to considerable trouble to preempt the States, and this does not simply change the dollar amount.

The Chairman: The Chair is prepared to rule.

The Chair is familiar with the rule, and has also examined the amendment. He finds that the effect of the amendment is, in fact, only to limit the amounts. There is no additional discretionary authority affirmatively conferred on the States by the terms of the amendment.

Therefore, it is not subject to the point of order last discussed by the gentleman from Colorado.

Therefore, the Chair overrules the point of order.

Rule Permitting Only Amendment Changing Dates

§ 3.45 An amendment to a bill extending the temporary debt limit, providing that the temporary increase in the debt limit shall expire on the date specified in the bill or on the 15th day of the month following the month in which the cost of servicing the public debt exceeds a certain limit, whichever date is sooner, was ruled out of order where the special order governing the consideration of the bill restricted amendments only to those changing either the expiration date or the amount of the debt limit contained in the bill.

On July 19, 1978,(19) during consideration of H.R. 13385 in the Committee of the Whole, the Chair sustained a point of order against an amendment on the grounds that it was not in order under the special rule governing consideration of the bill. The proceedings were as follows:

Mr. [James] Weaver [of Oregon]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Weaver: On line 4, page 1, after "1979," insert: "or ending the 15th day of the month following the month upon which the cost of servicing the public debt to the United States Treasury from March 31, 1978 first exceeds $50,000,000,000 whichever date is soonest,".

Mr. [Al] Ullman [of Oregon]: Mr. Chairman, I make a point of order against the amendment. . . .

[T]he rule clearly puts limitations on the kind of amendments that can be offered.

On page 2 it reads:

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19. 124 Cong. Rec. 21737, 21738, 95th Cong. 2d Sess.

> . . . which shall not be subject to amendment, and amendments only changing the date on page 1, line 4 or only changing the figure on page 1, line 7, . . .

Mr. Chairman, the amendment offered by the gentleman from Oregon (Mr. Weaver) is a condition leading to a day it is not a day set, it is an uncertain alternative. The reference is not a specific change in the date in the bill and is outside the scope of the rule....

Mr. Weaver: . . . The rule does state . . . that there may be amendments on line 4, page 1, affecting the date. My amendment simply says that the date on which the temporary ceiling will terminate will be the point when the cost of servicing the national debt shall have reached $50 billion. And that simply changes the date and nothing but the date. Therefore, Mr. Chairman, the amendment is germane to this bill and according to the rule.

The Chairman:(20) The Chair will rule.

House Resolution 1277 provides that no amendments to the pending bill shall be in order except amendments which only change the date on page 1, line 4, or only change the amount on page 1, line 7, of the bill.

While it might be contended that the amendment offered by the gentleman from Oregon (Mr. Weaver) provides an alternative termination date for the extension of the temporary debt ceiling contained in the bill, in the opinion of the Chair the amendment does more than just change the date on line 4. It conditions the temporary debt ceiling extension on factors other than a mere time duration, and as such is not an amendment which only changes the date contained in the bill.

The Chair, therefore, holds that the amendment is not in order under House Resolution 1277 and sustains the point of order.

Parliamentarian's Note: House Resolution 1277, referred to above, provided:

> *Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13385) to provide for a temporary increase in the public debt limit. . . . After general debate . . . the bill shall be considered as having been read for amendment under the five-minute rule. No amendments to the bill shall be in order except amendments recommended by the Committee on Ways and Means, which shall not be subject to amendment, and amendments only changing the date on page 1, line 4 or only changing the figure on page 1, line 7, and said amendments shall not be subject to amendment except pro forma amendments for the purpose of debate and germane amendments only changing the date on page 1, line 4 or only changing the figure on page 1, line 7. At the conclusion of the consideration of the bill for amendment, the Committee shall rise . . . and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

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20. James J. Delaney (N.Y.).

Text of Bill in Order as Amendment

§ 3.46 Where a special rule makes in order the text of another bill as an amendment, that text may be offered as an amendment to the bill or as an amendment in the nature of a substitute therefor.

On July 17, 1968,(1) Mr. Richard Bolling, of Missouri, called up a resolution providing for consideration of the State Firearms Control Assistance Act of 1968.(2) The text of House Resolution 1249 and Mr. Bolling's discussion of the effect of the resolution follows:

> *Resolved,* That upon the adoption of this resolution, it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17735) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the Chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider, without the intervention of any point of order, the text of the bill H.R. 6137 as an amendment to the bill. At the conclusion of the consideration of the bill H.R. 17735 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. . . .
>
> Mr. Bolling: Mr. Speaker, I have just gotten permission to include in the Record the text of the so-called Casey bill, H.R. 6137, which was made in order by the rule as an amendment to H.R. 17735, the bill this rule will make in order for consideration under a 3-hour open rule.
>
> I do so because the procedure followed by the Committee on Rules in granting this rule is a relatively unusual procedure. I think it important that the Members understand what may be offered as an amendment. It is also important that they understand that this amendment, this so-called Casey bill, may be offered either as a substitute for H.R. 17735, or as an amendment to it.

§ 3.47 Pursuant to a special rule making in order the text of another bill as original text for amendment if offered as an amendment in the nature of a substitute, the amendment must be offered from the floor after the first section of the original bill is read.

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1. 114 Cong. Rec. 21765, 21766, 90th Cong. 2d Sess.
2. H. Res. 1249 (Committee on Rules) providing for consideration of H.R. 17735.

On July 26, 1978,(3) the Committee of the Whole having under consideration H.R. 3350 pursuant to a special order, the above-stated proposition was illustrated as indicated below:

The Chairman:(4) . . . Pursuant to the rule, it shall be in order to consider by titles the text of H.R. 12988, if offered as an amendment in the nature of a substitute, as an original bill for the purpose of amendment. No amendment to title IV of said substitute which would change title IV, shall be in order except amendments recommended by the Committee on Ways and Means and an amendment printed in the Congressional Record of June 5, 1978, by Representative Stark of California, which amendments shall not be subject to amendment, but it shall be in order to debate said amendments and title IV by the offering of pro forma amendments.

The Clerk will now read section 1 of the original bill H.R. 3350, and the Chair will then recognize the gentleman from Louisiana (Mr. Breaux) to offer the amendment in the nature of a substitute.

The Clerk will read.

The Clerk read as follows:

Section 1. Short Title.

This Act may be cited as the "Deep Seabed Hard Mineral Resources Act".

Mr. [John B.] Breaux [of Louisiana]: Mr. Chairman, I offer an amendment in the nature of a substitute, the text of which is contained in the bill, H.R. 12988, a copy of which is at the desk.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Breaux: Strike out all after the enacting clause and insert . . .

Section 1. Short title.

Titles I, II, and III of this Act may be cited as the "Deep Seabed Hard Mineral Resources Act".

§ 3.48 Where a special order adopted by the House provides that it shall be in order to consider the text of a bill as an amendment in the nature of a substitute for the pending bill and that said amendment shall be considered before perfecting amendments and be considered as an original bill for the purpose of amendment, said amendment is not offered from the floor but is automatically reported by the Clerk; and in the event said amendment is defeated, the original bill is considered for amendment.

On Sept. 20, 1979,(5) the Committee of the Whole having under consideration H.R. 5229,(6) the Chair responded to a parliamentary inquiry regarding procedure under the special rule, as set out below:

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3. 124 Cong. Rec. 22884, 95th Cong. 2d Sess.
4. Paul Simon (Ill.).
5. 125 Cong. Rec. 25526, 25527, 96th Cong. 1st Sess.
6. Temporary Debt Limit Increase.

THE CHAIRMAN:(7) Pursuant to the rule, the bill is considered as having been read for amendment. The text of H.R. 5310 shall be considered as an original bill for the purpose of amendment which shall be considered as having been read. No amendments are in order except pro forma amendments, amendments offered by direction of the Committee on Ways and Means or the Committee on Rules, and germane amendments only changing the datecertain "March 31, 1981" or the numerical figure "$529,000,000,000" in section 101(a) and said amendments shall not be subject to amendment except pro forma amendments and germane amendments only changing said date or said figure.

The text of the amendment in the nature of a substitute is as follows:

> H.R. 5310
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. . . .*
>
> TITLE II—ESTABLISHMENT OF PUBLIC DEBT LIMIT AS PART OF CONGRESSIONAL BUDGET PROCESS
>
> Sec. 201. (a) The rules of the House of Representatives are amended by adding at the end thereof the following new rule:
>
> "RULE XLIX
>
> "ESTABLISHMENT OF STATUTORY LIMIT ON THE PUBLIC DEBT
>
> "1. Upon the adoption by the Congress (under section 301, 304, or 310 of the Congressional Budget Act of 1974) of any concurrent resolution on the budget setting forth as the appropriate level of the public debt for the period to which such concurrent resolution relates an amount which is different from the amount of the statutory limit on the public debt that would otherwise be in effect for such period, the enrolling clerk of the House of Representatives shall prepare and enroll a joint resolution, in the form prescribed in clause 2, increasing or decreasing the statutory limit on the public debt by an amount equal to the difference between such limit and such appropriate level. . . .

MR. [AL] ULLMAN [of Oregon]: I have a parliamentary inquiry, Mr. Chairman.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. ULLMAN: Mr. Chairman, it has been my understanding that if the substitute should fail, we would go back, however, to the consideration of the committee bill?

THE CHAIRMAN: The gentleman is correct.

Amendments in Nature of Substitute as "Original Text"

§ 3.49 Where a bill was being considered under a special rule making in order the text of a designated amendment in the nature of a substitute but not providing for reading of said substitute by sections as an original bill, the Chair indicated that if the entire amendment were considered as read and printed in the Record it would automatically be open to amendment at any point.

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7. Matthew F. McHugh (N.Y.).

On Feb. 3, 1976,(8) the Committee of the Whole having under consideration H.R. 9464,(9) the Chair responded to a parliamentary inquiry regarding the situation as described above. The proceedings were as follows:

> **Mr. [Robert] Krueger** [of Texas] (during the reading): Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the Record.
>
> **The Chairman**:(10) Is there objection to the request of the gentleman from Texas? . . .
>
> **Mr. [John D.] Dingell** [of Michigan]: Continuing my reservation of objection, Mr. Chairman, first of all, I have a parliamentary inquiry. Was it the request that the amendment be considered as read and open to amendment at any point?
>
> **The Chairman**: That is the pending matter. The Chair was about to put the question when the gentleman rose and said he reserved the right to object further.
>
> **Mr. Dingell**: I just want to be sure that I understand the unanimous-consent request properly. . . .
>
> **The Chairman**: Let me say in clarification the unanimous-consent request that the gentleman made was that the amendment be considered as read and printed in the Record, and it automatically will be open for amendment at any point.

§ 3.50 An amendment in the nature of a substitute being read as an original bill pursuant to a special order is read by sections for amendment (unless otherwise specified in the rule), and the amendment may be considered as read and open for amendment at any point by unanimous consent only.

On Mar. 20, 1978,(11) the Committee of the Whole having under consideration H.R. 7700,(12) the above-stated proposition was illustrated as indicated below:

> **The Chairman**:(13) Pursuant to the rule, it shall be in order to consider an amendment printed in the Congressional Record of March 14, 1978, by Representative Hanley of New York if offered as an amendment in the nature of a substitute for the bill, said substitute shall be read for amendment under the 5-minute rule as an original bill, and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI, are hereby waived. . . .
>
> At this time the Clerk will read.
>
> The Clerk read as follows:
>
> > Section 1. This Act may be cited as the "Postal Service Act of 1977".
>
> **Mr. [James M.] Hanley** [of New York]: Mr. Chairman, pursuant to the

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(8) 122 Cong. Rec. 2008, 94th Cong. 2d Sess.

(9) Natural Gas Emergency Act of 1976.

(10) Richard Bolling (Mo.).

(11) 124 Cong. Rec. 7558, 7559, 95th Cong. 2d Sess.

(12) The Postal Service Act of 1977.

(13) Edward W. Pattison (N.Y.).

rule, I offer an amendment in the nature of a substitute for the bill.

The Chairman: The Clerk will report the amendment by sections.

The Clerk read as follows:

> Strike out all after the enacting clause and insert in lieu thereof the following:
>
> That this Act may be cited as the "Postal Service Act of 1978."

Mr. Hanley (during the reading): Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read, printed in the Record, and open to amendment at any point. . . .

[Objection was heard.]

The Chairman: Under the rule, the amendment in the nature of a substitute is to be read by sections.

Are there amendments to section 1?

§ 3.51 Where a special order adopted by the House provides that in lieu of committee amendments printed in a bill, it shall be in order to consider a designated amendment in the nature of a substitute as an original bill for amendment in Committee of the Whole, but does not require that the amendment be offered, the Chair directs the Clerk to read the amendment for consideration as original text for the purpose of amendment and no motion from the floor is required.

On July 14, 1978,(14) during consideration of a bill(15) in the Committee of the Whole, the proceedings described above were as follows:

The Chairman:(16) . . . Pursuant to the rule the Clerk will now read . . . the amendment in the nature of a substitute printed in the Congressional Record of June 23, 1978, by Representative Fuqua of Florida as an original bill for the purpose of amendment in lieu of the amendments now printed in the original bill.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, in accordance with section 261 of the Atomic Energy Act of 1954 (42 U.S.C. 2017) . . . there is hereby authorized to be appropriated to the Department of Energy for the fiscal year 1979, for energy research and development and related activities, the sum of the following amounts: . . .

Mr. [Walter] Flowers [of Alabama]: Madam Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Flowers:
>
> On page 10, lines 16 and 17, strike the amount "$465,301,000" and substitute in lieu thereof "$306,401,000."

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14. 124 Cong. Rec. 20992-95, 95th Cong. 2d Sess.
15. H.R. 12163, Department of Energy authorizations. The bill was being considered pursuant to H. Res. 1261.
16. Barbara Jordan (Tex.).

Mr. [John W.] Wydler [of New York]: Madam Chairman, a parliamentary inquiry: What is the bill that is actually before the Committee at the present time? Are we on the substitute bill?

The Chairman: We are on the amendment offered by the gentleman from Florida (Mr. Fuqua), which is made in order by the rule.

Parliamentarian's Note: If a special order provides that it shall be in order to consider an amendment "if offered" as an amendment in the nature of a substitute, the amendment must be offered from the floor (after the first section of the bill is read).

§ 3.52 Where a special rule provides that an amendment in the nature of a substitute be considered as an original bill for amendment under the five-minute rule if offered, the first section of the original bill is first read and the amendment, if then offered from the floor, must be read by sections for amendment in the absence of unanimous consent to consider it as read and open to amendment at any point.

On July 18, 1978,(17) the Committee of the Whole having under consideration H.R. 1609, pursuant to a special rule (H. Res. 1252), the proceedings were as follows:

The Chairman Pro Tempore [Mr. (Raymond F.) Lederer (of Pennsylvania)]: Pursuant to the rule, it shall be in order to consider an amendment in the nature of a substitute printed in the Congressional Record of June 28 by Representative Udall of Arizona, if offered as an original bill for the purpose of amendment in lieu of the amendments now printed in the bill.

The Clerk will read section 1 of the original bill.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Coal Pipeline Act of 1977."

Mr. [Morris K.] Udall [of Arizona]: Mr. Chairman, I offer an amendment in the nature of a substitute printed in the Congressional Record of June 28.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Udall: Strike all after the enacting clause and insert in lieu thereof the following:
>
> That this Act may be cited as the "Coal Pipeline Act of 1978".

Mr. Udall (during the reading): Mr. Chairman, I ask unanimous consent to dispense with further reading of this amendment. It is printed in the Congressional Record.

The Chairman Pro Tempore: Is there objection to the request of the gentleman from Arizona?

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17. 124 Cong. Rec. 21486, 95th Cong. 2d Sess.

Mr. [Teno] Roncalio [of Wyoming]: Reserving the right to object, Mr. Chairman—and I do not intend to—may I ask the Chairman if he intends to rise at 5:30?

Mr. Udall: Mr. Chairman, if the gentleman will yield, as soon as the amendment is read, I intend to ask unanimous consent that it be open to amendment at any point, and then at that point I will move that the Committee rise.

Mr. [Joe] Skubitz [of Kansas]: Reserving the right to object, Mr. Chairman, I will advise the gentleman from Arizona (Mr. Udall) that at this moment I have no objection to the substitute, but I do object to his second unanimous-consent request that we amend at any point. I insist that we take it up section by section.

Mr. Udall: Mr. Chairman, if the gentleman will yield, the gentleman is within his rights, and I renew my unanimous-consent request that the reading of the amendment be dispensed with at this time and considered as read. It is printed in the Congressional Record.

The Chairman Pro Tempore: The amendment has to be read by sections. The Clerk has read section 1.

Mr. Udall: When section 1 has been read, I will move that the Committee rise, Mr. Chairman. I ask unanimous consent that section 1 of the amendment in the nature of a substitute be considered as read.

Mr. Roncalio: Mr. Chairman, I withdraw my reservation of objection.

Mr. Skubitz: Mr. Chairman, I withdraw my reservation of objection.

The Chairman Pro Tempore: Is there objection to the request of the gentleman from Arizona?

There was no objection.

§ 3.53 Where a special order makes in order the consideration of a designated amendment in the nature of a substitute (in lieu of the committee amendments printed in the bill), said substitute may be offered after section one of the original bill is read.

On Sept. 20, 1978,(18) the Committee of the Whole having under consideration H.R. 1,(19) the above-stated proposition was illustrated as indicated below:

> **The Chairman**:(20) Pursuant to the rule, it shall be in order to consider by titles as an original bill for the purpose of amendment the text of H.R. 13850, in lieu of the amendments now printed in the bill, if offered as an amendment in the nature of a substitute. No amendments to said substitute shall be in order except pro forma amendments for the purpose of debate and amendments printed in the Congressional Record at least 1 legislative day prior to their consideration. . . .
>
> **Mr. [John M.] Ashbrook** [of Ohio]: Mr. Chairman, under the rule and the statement of the Chair, must the committee substitute which appears in the text of H.R. 1 be read first, or is the

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18. 124 Cong. Rec. 30434, 95th Cong. 2d Sess.
19. The Ethics in Government Act of 1977.
20. Edward P. Boland (Mass.).

amendment in the nature of a substitute, H.R. 13850, in order at any point?

THE CHAIRMAN: No. The Danielson amendment in the nature of a substitute will be read in lieu of the committee amendment now printed in the bill as a substitute amendment for the original bill. . . .

THE CHAIRMAN: The Clerk will read section 1 of the original bill.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Ethics in Government Act of 1977".

MR. [GEORGE E.] DANIELSON [of California]: Mr. Chairman, I have an amendment in the nature of a substitute which is made in order by House Resolution 1323, and I offer it as an amendment in the nature of a substitute for the committee amendment to be read by titles under the 5-minute rule as an original bill.

THE CHAIRMAN: The Clerk will read by titles the amendment in the nature of a substitute.

Parliamentarian's Note: In situations like that above, if the amendment in the nature of a substitute is offered and adopted, the original bill and committee amendments printed therein are not read.

Prohibition Against Amendments "Affecting" Certain Subject

§ 3.54 Where an amendment, recommended by the Committee on Ways and Means, to amend the Internal Revenue Code was adopted to a bill comprehensively amending the Food Stamp Act, pursuant to a special order making such amendment in order and prohibiting any further amendment to the bill to "change or affect" the Internal Revenue Code, a subsequent amendment not directly amending the Code and containing the disclaimer that nothing therein be construed to change or affect that law was held in order, where the proponent of the amendment demonstrated that the existing law was not necessarily affected by the amendment.

On May 8, 1980,(1) during consideration of the Food Stamp Act Amendments of 1980, a point of order was made against the following amendment, which sought to require repayments by food stamp recipients of excess benefits received, to be collected by the Secretary of the Treasury in coordination with his responsibilities under other federal laws or by the Secretary of Agriculture:

> Sec. 204. The Food Stamp Act of 1977, as amended, is amended by redesignating section 18 as section 20, and by inserting after section 17 the following new sections:

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1. 126 CONG. REC. 10451, 10452, 10454, 10455, 96th Cong. 2d Sess.

"REPAYMENT FOR EXCESS BENEFITS RECEIVED

"Sec. 18. (a)(1) Each individual who is 19 years of age or older during any entire taxable year and who, in any taxable year, participates in the food stamp program as a member of any household participating in the food stamp program, and has countable income in excess of the exempt amount shall be liable to the United States as determined in accordance with paragraph (2) and paragraph (3) of this section. . . .

"(f) The Secretary may transfer to the Secretary of the Treasury an amount, as specified in appropriations acts, of any funds appropriated to carry out this Act for fiscal years beginning after September 30, 1980, which is sufficient to enable the Secretary of the Treasury to carry out section 19 of this Act. . . .

"Sec. 206. No provision of the amendment to the Food Stamp Act of 1977 made by section 204 of this Act shall be construed to change or affect in any manner the Internal Revenue Code of 1954 or the application of any provision of such Code. . . .

MR. [FORTNEY H.] STARK [of California]: Mr. Chairman, I make a point of order against the Jeffords amendment. I object in no uncertain terms to the amendment as a violation of the rule providing for the consideration of this bill.

The rule provides that after the amendment recommended by the Committee on Ways and Means is adopted no further amendment is in order "to further change or affect the Internal Revenue Code."

The Ways and Means Committee amendment has been adopted. The amendment offered by the gentleman from Vermont effectively amends section 6402(a) of the Internal Revenue Code. It is therefore in violation of the rule.

The Jeffords amendment creates a liability for excess food stamp benefits received. It then provides that the Secretary of the Treasury and the Secretary of Agriculture may provide for the collection of this liability by offsetting the liability against tax refunds otherwise due an individual on account of overpayment of a Federal tax. This effectively amends 6402(a) of the Internal Revenue Code. This section is the only authority that the Secretary of the Treasury has to reduce the amount of refund due a taxpayer on account of overpayment of a tax. . . .

MR. [JAMES M.] JEFFORDS [of Vermont]: . . . First of all, what I really want to do is quote from the amendment. It is on page 10, section 206:

> No provision of the amendment to the Food Stamp Act of 1977 made by section 204—

The one we are talking about—

> of this Act shall be construed to change or affect in any manner the Internal Revenue Code of 1954, or the application of any provision of such Code.

This is right out of the rule.

What the gentleman would ask the Chair to do is change this body from a parliamentary body into a court of law and have the Chair act as a judge, not as chairman of the committee, for what he seeks for the chairman to do is interpret the Internal Revenue Code and make a judgment as a judge as to whether or not this is occurring. The amendment we are seeking here says we do not believe it does, and if it does it cannot, by virtue of the provision, it cannot affect it and, therefore, whether it be the Attorney General or some court of law who would say—

> All right, you cannot do that; what you are trying to do is wrong; you cannot have it and offset against the refund.

We happen to believe, or I happen to believe that it is possible that they could interpret it to say that that is not an effect on the Internal Revenue Code because even though the Internal Revenue Code says that nothing prevents a refund from being used for some other purpose, I think that is a possible interpretation, that we are not affecting the Code. We are affecting a result of the Code which would not have anything to do with the Internal Revenue Code. It might affect the procedures under which the Internal Revenue Service operates, but there is nothing that says that the Internal Revenue Service can only do things which are prescribed in the Internal Revenue Code. They can do other things.

But I think, as the Chairman ruled last time, that it is not nongermane to ask some other body to undertake some additional burdens, but you cannot change and restructure the burdens they have. We say this might be an additional burden, but irrelevant to the Code. Let me say in finality that is a judgment to be made by a court, a judgment to be made by the Attorney General, but not by the Chairman of the House, because the bill itself precludes it from being interpreted as in violation of the rule.

THE CHAIRMAN:[2] It is not the function of the Chairman to rule on the merits of an amendment, but whether an amendment, on its face, complies with the Rules of the House.

The gentleman from California appropriately pointed to the sentence in the House Resolution 651 in question, as to whether in fact this amendment causes further change in or effect on the Internal Revenue Code.

The Chair was aware that this controversy was pending. The Chair has read the amendment as it appeared in the Record and was prepared to rule that the amendment was not in order in that form.

The amendment, however, as offered, does contain the additional language,

> No provision of the amendment to the Food Stamp Act of 1977 made by section 204 of this Act shall be construed to change or affect in any manner the Internal Revenue Code of 1954 or the application of any provision of such Code.

The Chair would rule that on its face and for the reasons stated by the gentleman from Vermont the amendment does comply with the rule and the amendment, therefore, is in order.

Where Part of Bill Is Closed to Amendments, Conforming Amendments Thereto Not Permitted

§ 3.55 To a bill being considered under a special rule prohibiting any amendment to certain sections in a title thereof, an

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[2] Paul Simon (Ill.).

amendment (offered en bloc with another amendment inserting a new section in that title) making merely a conforming change in a section not open to amendment was ruled out of order.

On Aug. 8, 1974,[3] the Committee of the Whole had under consideration H.R. 16090, the Federal Election Campaign Act of 1974, pursuant to a special rule prohibiting any amendment to certain sections. An amendment was offered, with an amendment making a conforming change in a section not open to amendment. A point of order against the amendments was based on the contention that, first, the primary amendment constituted an appropriation on a legislative bill and that, second, the conforming amendment was out of order if the primary amendment was out of order. The Chair,[4] after ruling the primary amendment out of order, ruled out the conforming amendment as violating the provision of the special rule as described above. The proceedings were as follows:

> MR. [EDWARD I.] KOCH [of New York]: Mr. Chairman, I offer two amendments.
>
> The Clerk read as follows:
>
> Amendments offered by Mr. Koch: Page 79, immediately after line 9, insert the following new section:
>
> CAMPAIGN MAIL
>
> Sec. 410. (a) Chapter 95 of the Internal Revenue Code of 1954 (relating to Presidential Election Campaign Fund) is amended by adding at the end thereof the following new section: . . .
>
> "(2) The Secretary shall make payments to an eligible candidate for mailings under paragraph (1) upon the receipt of certification from such candidate that such payments shall be used exclusively for the mailing of campaign mail. . . .
>
> And redesignate the following section accordingly.
>
> Page 79, line 15, strike out "and 409" and insert in lieu thereof "409, and 410". . . .
>
> MR. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, I make a point of order on the amendments. The gentleman from New York was kind enough to offer one of the amendments to me, the one referring to page 79, after line 9, on campaign mail. I will reserve a point of order if the gentleman from New York wishes to use the balance of his time to explain the amendment. . . .
>
> THE CHAIRMAN: The time of the gentleman has expired.
>
> Does the gentleman from Ohio press his point of order?
>
> MR. HAYS: I am not sure I know what the second amendment is.
>
> MR. KOCH: It is just a perfecting amendment to locate the numbers within the bill itself. It does not change the amendment.
>
> MR. HAYS: Mr. Chairman, I do press my point of order against the amendments. I object to the first amendment,

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[3] 120 CONG. REC. 27496, 27497, 93d Cong. 2d Sess.

[4] Richard Bolling (Mo.).

which is obviously subject to a point of order in that it appropriates money and orders the Secretary to make payments.

The second amendment is an amendment to that amendment, or a correcting amendment, so that if the first amendment is out of order then the second one is also.

THE CHAIRMAN: The Chair is ready to rule.

The point of order raised by the gentleman from Ohio (Mr. Hays) is well taken. The first amendment offered by the gentleman from New York (Mr. Koch) constitutes an appropriation on a legislative bill in violation of clause 4, rule XX, and is not protected by the rule. The second amendment is not in order under House Resolution 1292. Therefore the point of order is sustained.

Rule Permitting Only Committee Amendments—Preferential Motion Offered After Stage of Amendment Passed

§ 3.56 The stage of amendment is passed in Committee of the Whole where a bill is being considered under a rule permitting only committee amendments and where no committee amendments are offered at the conclusion of general debate.

On Apr. 16, 1970,(5) the following proceedings took place:

THE CHAIRMAN:(6) Under the rule, the bill is considered as having been read for amendment. No amendments are in order to the bill except amendments offered by direction of the Committee on Ways and Means.

Are there any committee amendments?

MR. [WILBUR D.] MILLS [of Arkansas]: Mr. Chairman, there are no committee amendments. . . .

MR. [OMAR T.] BURLESON of Texas: Mr. Chairman, I have a preferential motion. Is it in order to offer a preferential motion at this time?

THE CHAIRMAN: Will the gentleman advise the Chair what sort of preferential motion he has in mind?

MR. BURLESON of Texas: To strike the enacting clause.

THE CHAIRMAN: The Chair will advise the gentleman from Texas that that motion is not in order unless amendments are in order, and are offered. There being no committee amendments, that motion will not be in order at this time.

En Bloc Committee Amendments

§ 3.57 Where a bill is being considered under a special rule providing for consideration en bloc of certain committee amendments printed in the bill, the Chair directs the Clerk to report the amendments en bloc and they need not be offered from the floor.

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5. 116 CONG. REC. 12092, 91st Cong. 2d Sess. Under consideration was H.R. 16311 (Committee on Ways and Means).

6. John D. Dingell (Mich.).

On July 8, 1975,(7) the Committee of the Whole having under consideration H.R. 49, pursuant to a special rule, the following proceedings occurred:

> The Chairman:(8) Under the rule, it shall now be in order to consider en bloc the amendments recommended by the Committee on Armed Services now printed in the bill.
>
> The Clerk read as follows:
>
> Committee amendments:
>
> Page 3, between lines 19 and 20 insert the following: "TITLE I".
>
> Page 3, line 20, strike out "That in" and insert "Sec. 101. In". . . .
>
> Mr. [F. Edward] Hébert [of Louisiana]: Mr. Chairman, I will not offer the amendments of the Armed Services Committee as described in the rule.
>
> The Chairman: The Chair will advise the gentleman from Louisiana that under the rule the amendments are offered and presented en bloc. They have been presented.

§ 3.58 Unanimous consent is required to consider en bloc separate committee amendments printed in a bill, even where a special order adopted by the House provides that the bill is considered as having been read for amendment and that said committee amendments are considered before other committee or individual amendments.

On Aug. 10, 1978,(9) the Committee of the Whole was considering H.R. 13511, the Revenue Act of 1978, pursuant to House Resolution 1306,(10) a "modified closed" rule which provided that the bill be considered as read, allowed only designated amendments (including committee amendments), and prescribed the order of consideration for such amendments.

> The Chairman:(11) All time has expired for general debate.
>
> Pursuant to the rule the bill is considered as having been read for amendment. No amendments shall be in order except the following amendments which shall not be subject to amendment except amendments recommended by the Committee on Ways and Means, and which shall be considered in the following order:
>
> First. The committee amendments printed in the bill (except for section 404);
>
> Second. The committee amendment adding a new section 404. . . .
>
> The Chairman: The Clerk will report the first committee amendment.
>
> Mr. [Al] Ullman [of Oregon]: Mr. Chairman, I ask unanimous consent, in the interest of saving time, that the committee amendments as printed in

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(7) 121 Cong. Rec. 21630, 94th Cong. 1st Sess.

(8) Neal Smith (Iowa).

(9) 124 Cong. Rec. 25453, 95th Cong. 2d Sess.

(10) *Id.* at pp. 25415, 25416.

(11) Philip R. Sharp (Ind.).

the bill, except for section 404, be considered en bloc, considered as read, and printed in the Record.

THE CHAIRMAN: Is there objection to the request of the gentleman from Oregon?

There was no objection.

Priority of Committee Amendments

§ 3.59 Where a "modified closed" rule adopted by the House permitted consideration of reported committee amendments en bloc and permitted three designated amendments to be offered without specifying the order of consideration, the Chairman of the Committee of the Whole required that the committee amendments be first disposed of unless the Committee of the Whole determined otherwise by unanimous consent.

On Dec. 1, 1982,[12] during consideration of H.R. 6995[13] in the Committee of the Whole, the proceedings described above occurred as follows:

THE CHAIRMAN:[14] Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule. No amendments are in order except: First, the amendments en bloc recommended by the Committee on Rules now printed in the bill; second, the amendment printed in the Congressional Record of September 15, 1982, by, and if offered by, Representative Luken or Representative Lee which shall be subject to a substitute printed in the Congressional Record of September 15, 1982, by Representative Broyhill and if offered by Representative Broyhill or Representative Dingell. . . .

The Chair would entertain first the amendments en bloc recommended by the Committee on Rules now printed in the bill, unless someone requests unanimous consent to proceed otherwise.

MR. [JAMES J.] FLORIO [of New Jersey]: Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. Dannemeyer) be authorized at this point to offer the so-called Luken-Lee amendment. . . .

There was no objection.

§ 3.60 Pursuant to a special rule making in order the offering of a designated amendment to a part of a bill only after the disposition of three groups of committee amendments to that part, the Chair indicated the third group of amendments en bloc must be disposed of prior to the offering of a floor amendment to that part.

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[12] 128 CONG. REC. 28206, 28209, 97th Cong. 2d Sess.

[13] The Federal Trade Commission Authorization Act.

[14] George E. Brown, Jr. (Calif.).

On Aug. 3, 1977,(15) during consideration of H.R. 8444 (the National Energy Act), the Chair responded to a parliamentary inquiry as indicated above. The proceedings were as follows:

THE CHAIRMAN:(16) . . . The Clerk will designate the next ad hoc committee amendment.

The Clerk read as follows:

> Page 193, line 11, after "the cost of" insert "compression,".

The question is on the ad hoc committee amendment.

The ad hoc committee amendment was agreed to.

PARLIAMENTARY INQUIRY

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, I have a parliamentary inquiry.

Is the amendment that was made in order by the rule in order now?

THE CHAIRMAN: The Chair would like to advise the gentleman from Ohio that there are other ad hoc amendments.

The Clerk will designate the next ad hoc committee amendments, which under the rule are considered as read and considered en bloc.

The Clerk read as follows:

> Page 209, lines 3 and 4, on page 209, lines 12 through page 210, line 6, on page 210, line 7, on page 210, lines 16 through 18, on page 211, line 6, on page 211, lines 23 through 25, on page 212, lines 4 through 6, and on page 212, lines 16 through 18.

(The ad hoc committee amendments read as follows:) . . .

THE CHAIRMAN PRO TEMPORE:(17) The question is on ad hoc committee amendments.

The ad hoc committee amendments were agreed to.

§ 3.61 Where one committee's amendment printed in a reported bill has been made in order by a special rule as a substitute for another committee's amendment, and the primary amendment is ruled out on a point of order, the committee amendment made in order as a substitute retains the status of an amendment to the bill and is reported by the Clerk.

On Sept. 23, 1977,(18) the Committee of the Whole was considering H.R. 3, medicare-medicaid antifraud and abuse amendments. An amendment recommended by the Committee on Ways and Means had been ruled out of order as not germane to the bill. An amendment recommended by another committee and made in order, by special rule, as a substitute for the amendment now ruled out of order, was ordered to be reported:(19)

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15. 123 CONG. REC. 26447, 26448, 95th Cong. 1st Sess.
16. Edward P. Boland (Mass.).
17. William H. Natcher (Ky.).
18. 123 CONG. REC. 30534, 95th Cong. 1st Sess.
19. The rule, it should be noted, did not indicate that the amendment so

THE CHAIRMAN:[20] The Clerk will report the amendment recommended by the Committee on Interstate and Foreign Commerce, now printed beginning on page 70, line 6, through page 72, line 16, in the reported bill.

Reading Preliminary Sections Where Bill Being Read by Titles or Parts

§ 3.62 Where a bill was, pursuant to a special order, being considered for amendment by "parts", and several sections preceded part I, each of those sections was considered as a separate part for the purpose of the special order.

On Aug. 2, 1977,[1] the Committee of the Whole having under consideration a bill[2] pursuant to a special order as described above, the proceedings were as follows:

> [T]he House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8444, with Mr. Boland in the chair.
>
> The Clerk read the title of the bill.
>
> THE CHAIRMAN:[3] When the Committee rose on Monday, August 1, 1977, all time for general debate had expired.
>
> Pursuant to the rule, the bill is considered by parts and each part is considered as having been read for amendment. No amendment shall be in order except pro forma amendments and amendments made in order pursuant to House Resolution 727, which will not be subject to amendment, except amendments recommended by the ad hoc Committee on Energy and amendments made in order under House Resolution 727. . . .
>
> The Clerk will designate the part of the bill now pending for consideration.
>
> The Clerk read as follows:
>
> Page 9, line 1, section 2. (Section 2 reads as follows:)
>
> SEC. 2. FINDINGS AND STATEMENT OF PURPOSES. . . .
>
> MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Chairman, so I will know how we are going to proceed, are we going to go through the bill section by section, with the reading of each section?
>
> THE CHAIRMAN: The Chair will inform the gentleman that the bill will be considered part by part with each part considered as read. The bill will not be read section by section.
>
> MR. VOLKMER: So we will continue, Mr. Chairman, with the reading of each section or part, then, and the title of the section?
>
> THE CHAIRMAN: The Chair will further inform the gentleman that section 4 precedes part I, and after that section has been disposed of, we will move to part I of the bill. We have been considering the preliminary four sections as separate parts.

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made in order, was allowed to be considered *only* as a substitute amendment.

[20] Gerry E. Studds (Mass.).

[1] 123 CONG. REC. 26124, 26125, 95th Cong. 1st Sess.

[2] H.R. 8444, National Energy Act.

[3] Edward P. Boland (Mass.).

§ 3.63 Where a special order provides that a committee amendment in the nature of a substitute be considered by titles for amendment as original text and that each title be considered as having been read, the short title and table of contents (section 1) are considered as one title, and once that portion has been designated by the Clerk, the Clerk designates an amendment in the nature of a substitute, reported by another committee, whose (automatic) consideration has been made in order by the special order.

On May 15, 1979,[4] the Committee of the Whole having under consideration H.R. 39,[5] the above-stated proposition was illustrated as indicated below:

> Mr. [John D.] Dingell [of Michigan]: Mr. Chairman, in order to clarify the procedures of the House, I believe it would be helpful if the House understood the rules under which we proceed.
>
> For that reason, I would propound to the Chair a series of parliamentary inquiries.
>
> The Chairman:[6] If the gentleman from Michigan (Mr. Dingell) would withhold for just 1 minute while the Chair reads a statement, it may clarify the situation here.
>
> Pursuant to the rule the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs shall be considered by titles as an original bill for the purpose of amendment and each title shall be considered as having been read. The amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries shall be considered as an amendment in the nature of a substitute for the amendment recommended by the Committee on Interior and Insular Affairs and it shall be considered as having been read and it shall be in order to consider as a substitute for the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries the text of H.R. 3651 if offered by Representative Udall, and said substitute if offered shall be considered as having been read.
>
> The Clerk will designate section 1 of the Interior and Insular Affairs Committee amendment.
>
> The Clerk read as follows:
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*
>
> TABLE OF CONTENTS
>
> Sec. 1. Short title and table of contents. . . .
>
> The Chairman: Under the rule, the amendment offered by the Committee on Merchant Marine and Fisheries in the nature of a substitute is considered

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[4] 125 Cong. Rec. 11051, 11052, 11086, 11088, 96th Cong. 1st Sess.

[5] Alaska National Interest Lands Conservation Act of 1979.

[6] Paul Simon (Ill.).

as having been read and open for amendment at any point.

The Clerk will now designate the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries.

The amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries reads as follows:

> That this Act may be cited as the "Alaska National Interest Lands Conservation Act".
>
> TABLE OF CONTENTS
>
> Sec. 1. Short title and table of contents. . . .

Mr. Dingell: . . . Mr. Chairman, I believe the Chair has set out with some clarity the parliamentary situation, but in order that it might be very clear I would direct to the Chair the following questions:

One, as I understand, the Interior Committee bill is the bill reported from the Committee on Interior and Insular Affairs, and is the principal document under which we labor. Is that correct?

The Chairman: The gentleman is correct.

Mr. Dingell: And made in order by the rule is the substitute which was reported from the Committee on Merchant Marine and Fisheries, is that correct?

The Chairman: That is correct, and that is the amendment that is pending.

Mr. Dingell: And the bill from the Committee on Merchant Marine and Fisheries in the nature of a substitute is under the rule before this body without having to be offered?

The Chairman: That is correct.

Mr. Dingell: And as I understand the rule, both bills are to be read by title. Is that correct?

The Chairman: Only the Interior text is read by title, but at this point only section 1 of that text has been read.

Mr. Dingell: Only the Interior bill is read by title. That means, Mr. Chairman, that the Interior bill is open to amendment at any time during the reading of the title, is that correct?

The Chairman: Only the first part of the Interior bill has been read.

Mr. Dingell: Only the first part of the Interior bill has been read, but the whole of the first part is open to amendment at this time?

The Chairman: The only portion of the Interior text that is pending is section 1, the table of contents and the short title, up to page 7. . . .

Mr. [Morris K.] Udall [of Arizona]: Mr. Chairman, I offer an amendment as a substitute for the amendment in the nature of a substitute.

The Chairman: Pursuant to the rule, the amendment offered as a substitute for the amendment in the nature of a substitute is considered as read and open to amendment at any point.

The Clerk will designate the amendment.

The amendment offered as a substitute reads as follows . . .

> SHORT TITLE AND TABLE OF CONTENTS
>
> Section 1. This Act, together with the following table of contents, may be cited as the "Alaska National Interest Lands Conservation Act of 1979".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents. . . .

Waiving First Reading

§ 3.64 Special rules for the consideration of bills routinely recommend that the first reading of a bill in Committee of the Whole be dispensed with, to remove the possibility of dilatory tactics and to expedite consideration of legislation.

An early example of this practice is House Resolution 1368, under consideration on Sept. 29, 1978:[7]

> *Resolved,* That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14042) to authorize appropriations for fiscal year 1979 for procurement of aircraft . . . and other weapons and for research, development, test and evaluation for the Armed Forces . . . and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: . . . Mr. Speaker, can the gentleman offer the House any explanation as to why a well-established and time-honored rule of the House requiring the first reading of a bill is to be dispensed with in this instance? This is not a lengthy bill nor a controversial one.

MR. [TRENT] LOTT [of Mississippi]: Mr. Speaker, this was discussed in the Committee on Rules, since this is the first one of several rules that it was done on, and it is purely just in the interest of time. The intent was to move this legislation through as quickly as possible, since it is basically noncontroversial and since we do have a number of pieces of legislation we are going to try to complete in the next 2 weeks.

Amendments Designated Where Reading Waived

§ 3.65 Where a special order provided that a bill be considered for amendment by parts and that each part and the committee amendments thereto be considered as having been read, the Chair directed the Clerk to designate only the page and line number of the pending part or committee amendment; the text of the pending part or committee amendment was printed in full at that point in the Congressional Record.

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[7] 124 CONG. REC. 32662, 95th Cong. 2d Sess.

On Aug. 2, 1977,(8) the Committee of the Whole having under consideration a bill(9) pursuant to a special order as described above, the proceedings were as follows:

THE CHAIRMAN:(10) When the Committee rose on Monday, August 1, 1977, all time for general debate had expired.

Pursuant to the rule, the bill is considered by parts and each part is considered as having been read for amendment. No amendment shall be in order except pro forma amendments and amendments made in order pursuant to House Resolution 727, which will not be subject to amendment, except amendments recommended by the ad hoc Committee on Energy and amendments made in order under House Resolution 727. . . .

The Clerk will designate the part of the bill now pending for consideration.

The Clerk read as follows:

> Page 9, line 1, section 2. (Section 2 reads as follows:)

SEC. 2. FINDINGS AND STATEMENT OF PURPOSES.

THE CHAIRMAN: The Clerk will designate the page and line number of the first ad hoc committee amendment.

The Clerk read as follows:

> Ad hoc committee amendment: Page 12, strike line 9, and insert the matter printed on lines 11 through 14. (The ad hoc committee amendment reads as follows:)
>
> and
>
> (9) to provide incentives to increase the amount of domestically produced energy in the United States for the benefit and security of present and future generations.

§ 3.66 In accordance with the procedure for considering committee amendments to a bill under the five-minute rule in Committee of the Whole, pursuant to a special order providing that said committee amendments be considered en bloc and be considered as having been read, the Chairman instructs the Clerk to designate the page and line number of the amendments.

On Aug. 2, 1977,(11) during consideration of H.R. 8444, the National Energy Act, the proceedings described above were as indicated:

THE CHAIRMAN:(12) The Clerk will designate the page and line number of the ad hoc committee amendments, the first group of the amendments recommended by the ad hoc committee to be considered en bloc.

The Clerk read as follows:

> Page 183, line 11 through page 184, line 19 . . . and on page 208, line 4 through page 209, line 2, and an amendment inserting on page 188, line 11, the word "domestic" before the word "crude".

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8. 123 CONG. REC. 26124, 26125, 95th Cong. 1st Sess.
9. H.R. 8444, National Energy Act.
10. Edward P. Boland (Mass.).
11. 123 CONG. REC. 26172, 95th Cong. 1st Sess.
12. Edward P. Boland (Mass.).

Recognition To Offer Amendments

§ 3.67 Where the Committee of the Whole was considering a bill pursuant to a "modified closed" rule permitting only designated amendments to be offered, the Chair inquired of a Member seeking recognition to offer an amendment whether his amendment had been made in order under the rule before recognizing him to offer the amendment.

On Aug. 3, 1977,(13) the Committee of the Whole was considering H.R. 8444, the National Energy Act. When a Member sought recognition to offer an amendment, the proceedings, described above, were as follows:

> MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, I offer an amendment.
>
> THE CHAIRMAN PRO TEMPORE:(14) The Chair would like to inquire of the gentleman from Ohio if this is an amendment permissible under the rule and made in order under the rule?
>
> MR. BROWN of Ohio: This is authorized under the rule and has been assigned to the gentleman from Ohio (Mr. Brown) to offer at this point.
>
> MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, two things. I reserve all necessary points of order and, second, I inquire, has the unanimous-consent request been made for the dispensation of the reading of the amendment? I am not making that request.
>
> THE CHAIRMAN:(15) The Clerk will first have to report the amendment and then the gentleman's request will be in order.
>
> The Clerk will report the amendment.

§ 3.68 A resolution reported from the Committee on Rules which merely makes in order the consideration of a particular amendment (in the nature of a substitute) but does not waive points of order or otherwise confer a privileged status upon the amendment does not, in the absence of legislative history establishing a contrary intent by that committee, alter the principles that recognition to offer an amendment under the five-minute rule is within the discretion of the Chairman of the Committee of the Whole and that adoption of one amendment in the nature of a substitute precludes the offering of another.

On May 23, 1978,(16) the Committee of the Whole having under consideration House Resolution 1188,(17) the above-stated proposition was illustrated as indicated below:

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(13) 123 CONG. REC. 26448, 95th Cong. 1st Sess.

(14) William H. Natcher (Ky.).

(15) Edward P. Boland (Mass.).

(16) 124 CONG. REC. 15094–96, 95th Cong. 2d Sess.

(17) Providing for consideration of H.R. 10929, Department of Defense authorization for fiscal year 1979.

H. Res. 1188

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill [H.R. 10929]. . . . It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill as an original bill for the purposes of amendment, said substitute shall be read for amendment by titles instead of by sections and all points of order against said substitute for failure to comply with the provisions of clause 5, rule XXI and clause 7, rule XVI, are hereby waived, except that it shall be in order when consideration of said substitute begins to make a point of order that section 805 of said substitute would be in violation of clause 7, rule XVI if offered as a separate amendment to H.R. 10929 as introduced. If such point of order is sustained, it shall be in order to consider said substitute without section 805 included therein as an original bill for the purpose of amendment, said substitute shall be read for amendment by titles instead of by sections and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI and clause 5, rule XXI are hereby waived. It shall be in order to consider the amendment printed in the Congressional Record of May 17, 1978, by Representative Carr if offered as an amendment in the nature of a substitute for the amendment in the nature of a substitute recommended by the Committee on Armed Services. . . .

The Speaker Pro Tempore:(18) . . . The . . . rule requested makes in order the substitute of Representative Carr printed in the Congressional Record of May 17, 1978. Under the open rule, Mr. Carr would already be entitled to offer his amendment in the nature of a substitute. Although this provision in the rule does not give Mr. Carr special or preferred status under the rule, it does indicate the Rules Committee's desire to have all the diverse viewpoints on the DOD legislation available for consideration by the House. . . .

Mr. [Robert E.] Bauman [of Maryland]: Mr. Speaker, I would like to put a parliamentary inquiry to the Chair regarding the language on page 2 of the rule, line 24, through line 4 on page 3. It appears to me that the making in order of the offering of a substitute to the committee amendment by the gentleman from Michigan (Mr. Carr) is nothing more than an expression of the right of any Member of the House to offer such amendment at any time in the Committee of the Whole. My question to the Chair is whether or not the appearance of this language in the rule in any way changes the right of the Chair to recognize members of the committee in order of seniority at the Chair's discretion.

The Speaker Pro Tempore: The recognition will be a matter for the Chairman of the Committee of the Whole House to determine. . . .

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18. James C. Wright, Jr. (Tex.).

Mr. Bauman: My specific question, Mr. Speaker, was whether or not this varies the precedents regarding recognition and confers upon the gentleman from Michigan (Mr. Carr) some special status as opposed to the Chair's recognizing other members of the Committee on Armed Services handling the bill.

The Speaker Pro Tempore: It would still be up to the Chairman of the Committee of the Whole House on the State of the Union to determine the priorities of recognition. . . .

Let the Chair respond by stating that the rules of the House will apply and will not be abridged by reason of the adoption of this rule. If another amendment in the nature of a substitute should have been adopted, it would not perforce thereafter be in order to offer an additional amendment, whether it be the Carr amendment or any other.

As the Chair interprets the inclusion of the language referred to in the rule, it confers no special privilege upon the amendment in the nature of a substitute referred to as the Carr substitute. It presumes and makes in order such language as an amendment in the nature of a substitute. Beyond that, it does not foreclose consideration of any other germane language that otherwise would be in order. . . .

Mr. [Harold L.] Volkmer [of Missouri]: . . . [I]f along the way a substitute is adopted other than that offered by the gentleman from Michigan (Mr. Carr) then at the end of our consideration the substitute of the gentleman from Michigan (Mr. Carr) would not be in order; is that correct?

The Speaker Pro Tempore: The Chair believes the gentleman from Missouri (Mr. Volkmer) has correctly stated the parliamentary situation, if any amendment in the nature of a substitute is adopted, then additional amendments would not be in order.

Parliamentarian's Note: Section 805 of the committee substitute related to troop withdrawals from Korea, a matter unrelated to the bill and beyond the jurisdiction of the Armed Services Committee. The Committee on International Relations successfully urged the Rules Committee to render that section alone subject to a point of order, while protecting the consideration of the remainder of the substitute as original text. (Since a point of order against any portion of an amendment renders the entire amendment subject to a point of order, language was necessary in the rule to allow the consideration of a new amendment without the offending section.)

§ 3.69 Where a special order adopted by the House makes in order a designated amendment to a bill in Committee of the Whole but gives no special priority or precedence to such an amendment, the Chair is not required to extend prior recognition to offer that amendment but may rely on other princi-

ples of recognition such as alternation between majority and minority parties and priority of perfecting amendments over motions to strike.

Recognition to offer amendments in Committee of the Whole is in the Chair's discretion, and no point of order lies against the Chair's recognition of one Member over another, where the special order governing the consideration of the bill gives no particular precedence to an amendment. Thus, as indicated in the proceedings of June 21, 1979,(19) the Chair may, after recognizing the manager of a bill to offer a pro forma amendment under the five-minute rule, then recognize the ranking minority member to offer a perfecting amendment, prior to recognizing another majority member seeking recognition on behalf of another committee with jurisdiction over a portion of the bill to move to strike out that portion, where the motion to strike is made in order but given no preferential status in the special rule governing consideration of the bill. The proceedings, during consideration of H.R. 111, the Panama Canal Act of 1979, were as follows:

Mr. [Robert E.] Bauman [of Maryland]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Bauman: Page 187, strike out line 19 and all that follows through line 20 on page 189 and insert in lieu thereof the following:
>
> Chapter 2—IMMIGRATION
>
> Sec. 1611. Special Immigrants.—(a) Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27), relating to the definition of special immigrants, is amended . . .

Ms. [Elizabeth] Holtzman [of New York] (during the reading): Mr. Chairman, I want to raise a point of order. My point of order is that under the rule the Committee on the Judiciary was given the right to offer an amendment to strike section 1611, and I believe that is the import of the amendment offered. The gentleman's amendment goes to that section, and I was on my feet.

The Chairman:(20) First the amendment should be read, and then the Chair will recognize the gentlewoman.

The Clerk will read.

The Clerk continued the reading of the amendment. . . .

Ms. Holtzman: Mr. Chairman, I renew the point of order that I tried to state at an earlier time. . . .

[A]t the time that the last amendment was voted on, I was on my feet seeking to offer an amendment on behalf of the Committee on the Judiciary with respect to striking in its entirety section 1611 of the bill. The right

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19. 125 Cong. Rec. 15999, 16000, 96th Cong. 1st Sess.

20. Thomas S. Foley (Wash.).

to offer that amendment is granted under the rule, in fact on page 3 of House Resolution 274. I want to ask the Chair whether I am entitled to be recognized or was entitled to be recognized to make first a motion, which was a motion to strike the entire section before amendments were made to the text of the bill.

The Chairman: Unless an amendment having priority of consideration under the rule is offered, it is the Chair's practice to alternate recognition of members of the several committees that are listed in the rule, taking amendments from the majority and minority side in general turn, while giving priority of recognition to those committees that are mentioned in the rule.

The gentlewoman from New York (Ms. Holtzman) is a member of such a committee, but following the adoption of the last amendment the gentleman from New York (Mr. Murphy), the chairman of the Committee on Merchant Marine and Fisheries, sought recognition to strike the last word. Accordingly, the Chair then recognized the gentleman from Maryland (Mr. Bauman) to offer a floor amendment, which is a perfecting amendment to section 1611 of the bill.

The rule mentions that it shall be in order to consider an amendment as recommended by the Committee on the Judiciary, to strike out section 1611, if offered, but the rule does not give any special priority to the Committee on the Judiciary to offer such amendments over perfecting amendments to that section.

Ms. Holtzman: Mr. Chairman, may I be heard further? The gentleman said that he was going to recognize members of the committees that had a right to offer amendments under the rule alternately. I would suggest to the Chair that no member of the Committee on the Judiciary has been recognized thus far in the debate with respect to offering such an amendment and, therefore, the Chair's principle, as I understood he stated it, was not being observed in connection with recognition.

The Chairman: The Chair would observe that the Chair is attempting to be fair in recognizing Members alternately when they are members of committees with priority and that the rule permits but does not give the Committee on the Judiciary special priority of recognition over other floor amendments, which under the precedents would take priority over a motion to strike.

Second, the Chair would like to advise the gentlewoman from New York that recognition is discretionary with the Chair and is not subject to a point of order. Does the gentlewoman have any further comment to make on the point of order?

The Chair overrules the point of order and recognizes the gentleman in the well.

Parliamentarian's Note: The amendment offered by Mr. Bauman struck out section 1611 of the bill and inserted a new section, whereas the amendment made in order under the rule on behalf of the Committee on the Judiciary was an amendment to strike that section; thus adoption of the Bauman amendment precluded the offering of the Judiciary Committee amendment. It would have made little difference if Ms. Holtzman was recognized first, since the Bauman amendment could have been offered (as a perfecting amendment) while the Holtzman motion to strike was pending and if the Bauman amendment was adopted the motion to strike would have necessarily fallen and would not have been voted on.

If the Holtzman amendment, and the amendments to be offered on behalf of the Committees on Foreign Affairs and Post Office and Civil Service, had been committee amendments formally recommended in reports on H.R. 111, they would have been automatically considered by the Committee of the Whole. But as indicated in the discussion on the rule, only the Committee on Merchant Marine and Fisheries had formally reported H.R. 111.

§ 3.70 Under the five-minute rule an amendment in the nature of a substitute for a bill may ordinarily be offered either after the first section has been read or at the conclusion of reading of the bill; but where a bill is being considered under a special rule precluding further amendment to the bill upon adoption of a committee amendment at the end thereof, an amendment in the nature of a substitute can only be offered after the first section is read, unless the committee amendment is rejected.

On Sept. 23, 1980,(1) the Committee of the Whole having under consideration H.R. 7020,(2) the above-stated proposition was illustrated as indicated below:

The Chairman:(3) When the Committee of the Whole arose on Friday, September 19, 1980, all time for general debate had expired.

Pursuant to the rule, the substitute committee amendment recommended by the Committee on Interstate and Foreign Commerce now printed in the reported bill shall be considered as an original bill for the purpose of amendment and each section shall be considered as having been read. No amendments to the amendment recommended by the Committee on Ways and Means printed in the bill shall be in order except pro forma amendments for the purpose of debate and following amendments which shall not be amendable except by pro forma amendments: First, the amendments recommended by the Committee on Ways and Means; second, the amendment printed on page H7926 in the Congressional Record of August 25,

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1. 126 Cong. Rec. 26757, 96th Cong. 2d Sess.
2. The Hazardous Waste Containment Act of 1980.
3. William H. Natcher (Ky.).

1980, by Representative Ullman of Oregon; and third, the amendment to be printed in the Congressional Record of September 5, 1980, by and if offered by, Representative Florio of New Jersey. Upon the adoption of the amendment recommended by the Committee on Ways and Means to the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce, and no further amendment to the bill shall be in order. . . .

Are there any amendments to section 1? . . .

MR. [DAVID A.] STOCKMAN [of Michigan]: Mr. Chairman, under the terms of the rule, would a substitute amendment to the entire bill, H.R. 7020, be in order only now, at this point for this bill?

THE CHAIRMAN: The Chair would like to advise the gentleman that the gentleman's statement is correct, assuming adoption of the Ways and Means Committee amendment at the conclusion of the reading of the bill for amendment. Under the rule, no further amendments would then be in order.

MR. STOCKMAN: Mr. Chairman, I offer an amendment in the nature of a substitute.

Parliamentarian's Note: After the first section of original text is read for amendment under the five-minute rule, an amendment in the nature of a substitute may be offered, even if a special order governing consideration would prohibit consideration of such an amendment at the end of the bill, and even if adoption of such an amendment would prohibit the consideration of other perfecting amendments specifically made in order by the special order (unless the special order specifically prohibits such an amendment from being offered at the beginning of the bill or substitute).

Waiving Points of Order Against Amendments

§ 3.71 The Speaker indicated in response to a parliamentary inquiry that a pending resolution reported from the Committee on Rules waived all points of order based on the germaneness rule against any amendment in the nature of a substitute offered from the floor to the measure made in order as original text, but not against substitutes therefor or perfecting amendments thereto.

On May 17, 1978,(4) during consideration of House Resolution 1186 providing for consideration of H.R. 39,(5) the Speaker pro tempore responded to a parliamentary inquiry as described above. The proceedings were as follows:

MR. [CHRISTOPHER J.] DODD [of Connecticut]: Mr. Speaker, by direction of

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4. 124 CONG. REC. 14139, 14145, 95th Cong. 2d Sess.
5. Alaska National Interest Lands Conservation Act.

the Committee on Rules I call up House Resolution 1186 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

> H. Res. 1186
>
> *Resolved,* That upon the adoption of this resolution it shall be in order to move . . . that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of [H.R. 39]. . . . After general debate . . . the bill shall be read for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in italic in the bill, it shall be in order to consider the text of the bill H.R. 12625 if offered as an amendment in the nature of a substitute for the bill, said substitute shall be read for amendment under the five-minute rule as an original bill by titles instead of by sections, and all points of order against said substitute or any amendment in the nature of a substitute offered thereto for failure to comply with the provisions of clause 7, rule XVI and clause 5, rule XXI are hereby waived. . . .

Mr. [Morris K.] Udall [of Arizona]: Mr. Speaker, this waiver applies, as the Chair has just stated, only to substitutes, not to ordinary amendments; is that correct?

The Speaker Pro Tempore:[6] The Chair will state it applies to amendments in the nature of a substitute.

Parliamentarian's Note: The special rule, by waiving points of order based on clause 7 of Rule XVI against "any amendment in the nature of a substitute" to the amendment made in order for consideration as original text, would have made any amendment regardless of subject matter in order as an amendment in the nature of a substitute. In order that an overly broad application of the waiver could be forestalled, a compromise amendment in the nature of a substitute was offered at the outset of consideration to the amendment made in order as original text. Since the rule only waived all germaneness points of order against amendments in the nature of a substitute, and not against substitutes or perfecting amendments, the pendency of the initial amendment in the nature of a substitute and its ultimate adoption precluded the offering of other nongermane amendments in the nature of a substitute.

§ 3.72 During consideration of a special order reported from the Committee on Rules providing a "modified open" rule "making in order" only two amendments to a particular section of a bill, but not waiving points of order against the second offered amendment following adoption of the first, the Chair recognized the minority leader to request unanimous consent to permit the offering of a minor-

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[6] Charles A. Vanik (Ohio).

ity Member's amendment notwithstanding its possible change of an amendment already adopted (the last adopted amendment to be reported to the House).

On Oct. 19, 1983,(7) during consideration of House Resolution 329 in the House, the proceedings described above occurred as follows:

> MR. [ROBERT H.] MICHEL [of Illinois]: I should like to alert the other side to my making a rather unusual, a very unusual unanimous-consent request, and it would be this, Mr. Speaker: that I ask unanimous consent that during the consideration of H.R. 2968 in the Committee of the Whole, Mr. Robinson of Virginia be permitted to offer, as his amendment to section 108 provided for in House Resolution 329, an amendment to strike out that section in its entirety and insert a new section, even if an amendment to strike out that section in its entirety and insert a new section has already been adopted, and that only the last such amendment in the nature of a substitute for the section, which has been adopted, shall be reported back to the House.

Parliamentarian's Note: A special order "making in order" an amendment offered by a designated Member but not specifically waiving points of order does not permit consideration of the amendment unless in conformity with the general rules of the House. In the above case, the unanimous consent request to permit consideration of the amendment was objected to by the manager of the special order on the basis that it constituted a major change in the special order reported from the Committee on Rules.

Proper Scope of Inquiries—Chair's Interpretation or Reiteration of Terms

§ 3.73 The Chair will refuse to entertain as a parliamentary inquiry questions concerning the availability or interpretation of amendments not yet offered, but may reiterate the proposed terms of a pending special order for the information of Members.

An example of the situation described above occurred on June 25, 1981,(8) during consideration of House Resolution 169, providing for consideration of H.R. 3982, the Omnibus Budget Reconciliation Act of 1981. The proceedings in the House were as follows:

> MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 169 and ask for its immediate consideration.

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7. 129 CONG. REC. 28307, 98th Cong. 1st Sess.

8. 127 CONG. REC. 14065, 14079, 14082, 14083, 97th Cong. 1st Sess.

The Clerk read the resolution as follows:

H. Res. 169

Resolved, That upon the adoption of this resolution it shall be in order to move, any rule of the House to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3982) to provide for reconciliation pursuant to section 301 of the first concurrent resolution on the budget for the fiscal year 1982, and the first reading of the bill shall be dispensed with. General debate shall continue not to exceed eight hours. . . .

Following debate on the rule, and after defeat of the previous question, the Speaker recognized the ranking minority member of the Committee on Rules to offer an amendment to the reported resolution.

Mr. [Delbert L.] Latta [of Ohio]: Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Latta: Strike all after the resolving clause and insert in lieu thereof the following:

"That upon the adoption of this resolution it shall be in order to move, any rule of the House to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3982), to provide for reconciliation pursuant to section 301 of the first concurrent resolution on the budget for fiscal year 1982, and the first reading of the bill shall be dispensed with, and all points of order against said bill are hereby waived. . . . The bill shall be considered as having been read for amendment under the five minute rule. No amendment to the bill shall be in order in the Committee of the Whole except an amendment in the nature of a substitute which shall be the text of the bill H.R. 3964, said amendment shall be considered as an original bill for the purpose of amendment, and shall be considered as having been read, all points of order are hereby waived against said amendment, and no amendment shall be in order to said amendment except—

"(1) A substitute amendment to title VI by Representative Broyhill, if offered, and said amendment shall be considered as having been read and shall not be subject to amendment or to a division of the question in the House or in the Committee of the Whole, but shall be debatable for not to exceed 2 hours to be equally divided and controlled by Representative Broyhill and a Member opposed thereto and all points of order against said amendment are hereby waived and (2) the amendments of Representative Latta of Ohio, said amendments shall be considered en bloc and shall be considered as having been read and shall not be subject to amendment or to a division of the question in the House or in the Committee of the Whole, but shall be debatable for not to exceed 4 hours, to be equally divided and controlled by Representative Latta and a Member opposed thereto, and all points of order against said amendments are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions."

Mr. [John D.] Dingell [of Michigan]: Mr. Speaker, I have a parliamentary inquiry.

The Speaker Pro Tempore:[9] The gentleman from Michigan will state his parliamentary inquiry.

Mr. Dingell: Is the Broyhill amendment published? Is it available?

The Speaker Pro Tempore: The Chair cannot answer that question. The amendment has been read by the Clerk. . . .

Mr. Dingell: I have a further legitimate parliamentary inquiry. Is the Broyhill amendment different from the language of the Latta amendment, the Latta-offered rule?

The Speaker Pro Tempore: The Chair is not in a position to answer that question. . . .

Mr. [James R.] Jones of Oklahoma: I have a parliamentary inquiry, Mr. Speaker. I am trying to determine if we have the proper language of the rule we are about to be voting on, and is it the same rule that says: "the amendments of Representative Latta of Ohio, said amendments shall be considered en bloc and shall be considered as having been read and shall not be subject to amendment or to a division of the question in the House or in the Committee of the Whole, but shall be debatable for not to exceed 4 hours, to be equally divided and controlled by Representative Latta and a Member opposed thereto, and all points of order against said amendments are hereby waived."

Is this the rule we are about to vote on?

The Speaker Pro Tempore: The gentleman is correctly reading from the amendment to the rule upon which the previous question has been ordered.

Mr. Jones of Oklahoma: I have a further parliamentary inquiry, Mr. Speaker. Do we have or does anyone have a copy of the Latta amendment to be considered en bloc? The chairman of the Committee on the Budget has not been able to get it. Does anybody have it?

The Speaker Pro Tempore: The Chair cannot answer that question. . . .

Mr. [George] Miller [of California]: I would like to ask the Chair under the rule, if the rule is adopted, does it in fact make in order then the consideration of what is titled committee print June 25, 1981? It is unclear to this Member, Mr. Speaker, whether it will be this 350-page document and whether or not we will have an opportunity to have the Clerk read the document to the Members of the House. Is this in fact the document to be debated?

The Speaker Pro Tempore: The Chair is not in a position to answer that question. The amendment proposed and upon which a vote presently will be taken simply stipulates "amendments of Representative Latta of Ohio, said amendments" to be considered en bloc.

In response to the second portion of the gentleman's question, those amendments the rule considers as read and not open to amendment at any point. . . .

Mr. [Harold L.] Volkmer [of Missouri]: Listening to the gentleman from Oklahoma and the Speaker reading the rule, I did not hear anything about a motion to recommit being in order. I would like to know, under the Rules of the House, even though the rule does not specifically provide for a motion to recommit—is there a provision?

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[9] James C. Wright, Jr. (Tex.).

The Speaker Pro Tempore: The Chair will advise the gentleman from Missouri that the amendment offered by the gentleman from Ohio (Mr. Latta) does specifically provide for one motion to recommit either with or without instructions.

Specified Order of Amendments

§ 3.74 Pursuant to a "modified closed rule" permitting only two designated Members to offer amendments which would not be amendable and not specifying the order of consideration, the Chair indicated that either amendment could be offered first but could not be offered during the pendency of the other amendment.

On June 26, 1981,(10) the Committee of the Whole having under consideration H.R. 3982,(11) the above-stated proposition was illustrated as indicated below:

Mr. [James R.] Jones of Oklahoma: Mr. Chairman, I would like to first pose a question to the Chair, and that is: If we do not rise, what is the parliamentary situation? If the gentleman from North Carolina (Mr. Broyhill) does not want to offer his substitute at this time, is the gentleman precluded from doing so later?

The Chairman:(12) The Chair will respond in the negative. The rule does not dictate the order of amendments.

Mr. Jones of Oklahoma: So at any time in these proceedings, the gentleman from North Carolina (Mr. Broyhill) could offer his substitute?

The Chairman: The Broyhill amendment cannot be offered if the Latta amendments are pending.

Mr. Jones of Oklahoma: But if the Latta amendment is pending and disposed of, could the Broyhill amendment be offered after that?

The Chairman: The Chair will respond in the affirmative, yes.

Limiting Consideration of All Amendments

§ 3.75 When the Committee of the Whole is operating under a special order limiting consideration of all amendments to a number of hours of consideration, and the Committee rises during that time immediately following the offering of an amendment, that amendment remains pending when the Committee resumes its sitting and subsequent amendments may be offered only after its disposition and during the time remaining for consideration of all amendments; no amendments may be offered thereafter, since the spe-

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10. 127 Cong. Rec. 14492, 14493, 97th Cong. 1st Sess.

11. The Omnibus Budget Reconciliation Act.

12. Edward P. Boland (Mass.).

cial order terminates consideration and overrides Rule XXIII clause 6, which would otherwise guarantee additional time for amendments printed in the Record.

An example of the situation described above occurred on Apr. 9, 1986,(13) during consideration of H.R. 4332 (the Firearms Law Reform Act). The bill was being considered under the terms of a special rule (H. Res. 403, agreed to on Apr. 9, 1986) which provided:

> *Resolved,* That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4332) to amend chapter 44 (relating to firearms) of title 18, United States Code, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be considered for amendment under the five-minute rule. Immediately after the enacting clause is read, it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, and said amendment shall be considered as having been read. Before the consideration of perfecting amendments to said amendment, it shall be in order for Representative Volkmer of Missouri to offer a substitute for said amendment consisting of the text of his amendment printed in the Congressional Record of March 18, 1986, and said substitute shall be considered as having been read. Before the consideration of other perfecting amendments to the amendment or to the substitute it shall be in order, notwithstanding the prohibition against a member offering an amendment to his own amendment, to consider a perfecting amendment printed in the Congressional Record of March 19, 1986 by, and if offered by Representative Volkmer of Missouri to his substitute. No amendment to the amendment or to the substitute shall be in order except pro forma amendments for the purpose of debate and amendments printed in the Congressional Record. At the expiration of five hours of consideration of said amendment and substitute for amendment under the five-minute rule, no further amendment to the amendment, to the substitute or to the bill shall be in order, and the question shall occur on the pending amendment or amendments. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

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13. 132 Cong. Rec. 6896, 6897, 99th Cong. 2d Sess.

The proceedings relating to H.R. 4332 were as follows:

The Clerk read as follows:

> Amendment offered by Mr. Hughes to the amendment, as amended, offered by Mr. Volkmer as a substitute for the Judiciary Committee amendment in the nature of a substitute, as amended: Page 7, line 10, strike out "shall not apply" and all that follows through "firearms" in line 2 on page 8, and insert in lieu thereof the following: "shall not apply to the sale or delivery of any rifle or shotgun to a resident of a State other than a State in which the licensee's place of business is located. . . .

Mr. [William J.] Hughes [of New Jersey]: Mr. Chairman, I yield the balance of my time, and move that the Committee do now rise.

The Chairman:(14) The gentleman yields back the balance of his time and moves that the Committee rise. . . .

Mr. [Charles] Roemer [of Louisiana]: Is it the position of the House, Mr. Chairman, that when we rise and meet tomorrow, the Hughes amendment pendng now would begin the debate?

The Chairman: The gentleman from Louisiana is exactly correct.

Mr. [Harold L.] Volkmer [of Missouri]: Mr. Chairman, I have a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Volkmer: When we come in tomorrow and the Committee begins to act on the bill, we will have only the time left under the 5 hours for amendments, is that not correct?

The Chairman: The gentleman is correct.

Mr. Volkmer: Which right now is approximately 1 hour?

The Chairman: The gentleman is correct.

Mr. Volkmer: And then the rest of the amendments, are they cut off? Or do we go ahead for those that are in the Record and vote on them after 5 minutes each?

The Chairman: There will not be any amendments that would be in order after the conclusion of the 5-hour consideration.

Debate on Amendments

§ 3.76 Where a "modified closed" rule permitted only one amendment in the nature of a substitute and one substitute therefor, and divided a separate hour of debate on each substitute between the same two Members, the Chair permitted the total time to be accumulated and consumed before putting the question on the substitute.

An example of the situation described above occurred on June 10, 1982,(15) during consideration of House Concurrent Resolution 352, the first concurrent resolution on the budget, fiscal 1983. The proceedings in the Committee of the Whole were as follows:

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14. Charles B. Rangel (N.Y.).

15. 128 Cong. Rec. 13387, 13390, 13395, 13399, 13409, 97th Cong. 2d Sess.

The Chairman:[16] All time for general debate has expired.

Pursuant to clause 8 of rule XXIII, the concurrent resolution is considered as having been read for amendment and open for amendment at any point.

The concurrent resolution is as follows. . . .

> TITLE I—REVISION OF THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 1982

Mr. [Delbert L.] Latta [of Ohio]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Chairman: . . . The Clerk will designate the amendment in the nature of a substitute.

The amendment in the nature of a substitute is as follows:

> Amendment in the nature of a substitute offered by Mr. Latta: Strike all after the resolving clause and insert in lieu thereof the following. . . .

The Chairman: Under the rule, the gentleman from Oklahoma (Mr. Jones) will be recognized for 30 minutes and the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oklahoma, Mr. Jones.

Mr. [James R.] Jones of Oklahoma: Mr. Chairman, I offer an amendment as a substitute for the amendment in the nature of a substitute.

The Chairman: Pursuant to the provisions of House Resolution 496, the amendment in the nature of a substitute is considered as having been read.

The Clerk will designate the amendment in the nature of a substitute.

The amendment offered as a substitute for the amendment in the nature of a substitute is as follows. . . .

The Chairman: Pursuant to the provisions of House Resolution 496, the gentleman from Oklahoma (Mr. Jones) will be recognized for 30 minutes and the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Oklahoma (Mr. Jones).

Mr. Jones of Oklahoma: Mr. Chairman, in order to resolve the technicalities, I will use 30 minutes on the Jones substitute first, and the remaining 30 minutes on the Latta substitute. I think we have agreed to alternate back and forth the total hour we have.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. Simon) a member of the committee. . . .

Mr. [Ralph] Regula [of Ohio]: Mr. Chairman, I have a parliamentary inquiry. . . .

What is the situation at the moment? Have we completed with the first hour, that is, in effect, the debate on the Jones substitute?

The Chairman: In effect, the Chair has. The Chair believes, and it has been treating the time as a fungible commodity. The total time has been allocated as to both amendments. In effect, the gentleman from Ohio has remaining to himself to yield, 30 minutes, and the gentleman from Oklahoma has 29 minutes remaining.

§ 3.77 The Committee on Rules may report a resolution providing additional procedures to govern the further consider-

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[16] Anthony C. Beilenson (Calif.).

ation of a measure already pending in Committee of the Whole, including limiting further consideration of amendments to a total amount of time, and prohibiting further debate or amendments when the limitation has expired.

On May 4, 1983,(17) Committee on Rules Chairman Claude Pepper, of Florida, called up for immediate consideration in the House, House Resolution 179, providing for the further consideration of House Joint Resolution 13, then pending in Committee of the Whole. The reported resolution and Chairman Pepper's comments thereon were as follows:

> MR. PEPPER: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 179 and ask for its immediate consideration.
>
> The Clerk read the resolution, as follows:
>
> H. RES. 179
>
> *Resolved,* That during the further consideration of the joint resolution (H.J. Res. 13) calling for a mutual and verifiable freeze on and reductions in nuclear weapons, further consideration of amendments to the committee amendment in the nature of a substitute shall terminate at the expiration of ten further hours of such consideration, and at the expiration of said time the Committee of the Whole shall immediately proceed to vote on any amendments pending to said substitute, and then on said substitute. During such time limitation, debate on any amendment to said substitute, and on any amendment thereto, whether or not printed in the Congressional Record, shall continue not to exceed thirty minutes, equally divided and controlled by the proponent of the amendment and a Member opposed thereto. After the disposition of said substitute, the preamble shall be considered for amendment, debate on each amendment to the preamble or on each amendment thereto shall continue not to exceed thirty minutes, equally divided and controlled by the proponent of the amendment and a Member opposed thereto, and further consideration of amendments to the preamble shall terminate at the expiration of two hours of such consideration, and at the expiration of said time the Committee of the Whole shall immediately proceed to vote on any amendments pending to the preamble. After the disposition of said amendments, it shall be in order to consider the amendment in the nature of a substitute by Representative Broomfield made in order by House Resolution 138 for amendment under the five-minute rule, debate on each amendment to the amendment or on each amendment thereto shall continue not to exceed thirty minutes, equally divided and controlled by the proponent of the amendment and a Member opposed thereto, and further consideration of amendments to said amendment shall terminate at the expiration of two hours of such consideration, and at the expiration of said time the Committee of the Whole shall immediately proceed to vote on any amendments pending to said amendment, and then on said amendment. During the further consideration of the joint resolution, the Chairman of the Committee of the Whole shall not entertain any pro forma amendment offered for the purpose of ob-

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17. 129 CONG. REC. 11036, 11037, 98th Cong. 1st Sess.

taining time for debate only. During the further consideration of the joint resolution, the Chairman of the Committee of the Whole may, in his discretion, announce after a recorded vote has been ordered that he may reduce to not less then five minutes the period of time in which a recorded vote, if ordered, will be taken by electronic device on any amendment which is to be voted on without further debate immediately following that fifteen-minute recorded vote. In the event that an amendment in the nature of a substitute to the committee amendment in the nature of a substitute to the resolution is adopted, it shall not be in order to demand a separate vote in the House on any other amendment adopted to said committee substitute. . . .

Mr. Pepper: Mr. Speaker, there are two essential elements involved in the legislative process. One is the right to debate, the other is the right to decide. We have had some 45 hours of debate upon the pending resolution. This rule today is offered by the Rules Committee as an instrument by which the Members of this House may also enjoy the right to decide the pertinent issues involved in the pending resolution.

Mr. Speaker, House Resolution 179 provides additional procedures for the consideration of House Joint Resolution 13, calling for a mutual and verifiable freeze on and reductions in nuclear weapons. Prior to discussing the actual provisions of this rule, Mr. Speaker, I would like to take a few minutes to discuss the necessity for this rule.

On March 15, 1983, the Committee on Rules ordered reported an open rule allowing 3 hours of general debate on House Joint Resolution 13. The rule, House Resolution 138, was adopted on March 16 and since that time, Mr. Speaker, the House has spent more than 45 hours over 5 days considering only the resolving clause of the joint resolution. On April 14, Chairman Zablocki requested an additional rule on House Resolution 13, but later asked the Rules Committee that the meeting scheduled for April 19 be canceled after he reached what he believed at that time to be an agreement to finish debate on the matter.

On April 21, the House agreed, by a vote of 214 to 194 and after three attempts, to a motion that "debate on the resolving clause—to House Joint Resolution 13—and all amendments thereto cease at 3:30 p.m." on that date. The effect of that time limitation agreement was to stop further debate on the resolving clause of House Joint Resolution 13 under the 5-minute rule, with the exception that amendments printed in the Congressional Record could be offered pursuant to clause 6, rule XXIII, allowing the member presenting the amendment 5 minutes to explain his amendment, and the first person to obtain the floor 5 minutes to oppose the amendment. In addition, perfecting amendments could be offered while such amendments were pending. However, such perfecting amendments would have been decided without debate unless printed in the Record.

The Committee of the Whole again debated House Joint Resolution 13 on Thursday, April 28. At that time, it became apparent that the House would not be able to complete consideration of the nuclear freeze resolution in any reasonable amount of time. Chairman Zablocki then stated his intention of asking the Rules Committee to grant an additional rule of the joint resolution.

The Committee on Rules met on Monday, May 2, to consider the possibility of granting an additional rule and again yesterday to discuss further the rule and to vote on special order that we are bringing before the House today.

Let me say that during my absence last week I had left authority before my departure with the able ranking majority member on the Rules Committee, the gentleman from Louisiana, Mr. Long, to perform the necessary duties to allow the Rules Committee to function. He subsequently met with the leadership of the House and they formulated basically the rule which is presented today. It was that rule which was considered on Monday and Tuesday of this week. We heard several witnesses, 10 to 12 witnesses, most from the minority party on that rule on Monday.

Parliamentarian's Note: This rule has provided a model for further rules on complicated bills (see, for example, House Resolution 247, on H.R. 2760, Intelligence Authorization Amendment; and House Resolution 300, on H.R. 2453, Radio Broadcasting to Cuba). It should be noted that there existed the possibility in this instance that a point of order would be made, based on the contention that the meeting on May 2 (referred to by Chairman Pepper, above) was not called by the chairman, as required, but by the ranking majority member; and that clause 2(g)(5) of Rule XI allowed such point of order since a similar point of order had been improperly overruled in committee. However, such point of order would not ordinarily lie since such provisions of Rule XI apply only to hearings. The May 2 proceeding was not a hearing but a meeting, and therefore the point of order did not survive, a subsequent and valid meeting having been held to report the rule.

§ 3.78 Where a special order adopted by the House limits debate on an amendment to be controlled by the proponent and an opponent, and prohibits amendments thereto, the Chair may in his discretion recognize the manager of the bill if opposed, and there is no requirement for recognition of the minority party.

On June 18, 1986,(18) during consideration of H.R. 4868(19) in the Committee of the Whole, the situation described above occurred as follows:

THE CHAIRMAN:(20) Under the rule, the gentleman from California (Mr.

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18. 132 CONG. REC. 14275, 14276, 99th Cong. 2d Sess.
19. The Anti-Apartheid Act of 1986.
20. Bob Traxler (Mich.).

Dellums) will be recognized for 30 minutes, and a Member opposed to the amendment will be recognized for 30 minutes.

Will those gentlemen who are opposed to the Dellums amendment kindly stand so the Chair can designate?

Is the gentleman from Washington (Mr. Bonker) opposed to the amendment?

MR. [DON] BONKER [of Washington]: I advise the Chair that I oppose the amendment.

THE CHAIRMAN: Then the Chair will recognize the gentleman from Washington (Mr. Bonker) for 30 minutes in opposition to the Dellums amendment.

Does the gentleman from Washington wish to yield any of his time or share any of his time?

MR. BONKER: Mr. Chairman, I would yield half the allotted time, 15 minutes, to the gentleman from Michigan (Mr. Siljander).

THE CHAIRMAN: The time in opposition will be equally divided between the gentleman from Washington (Mr. Bonker) and the gentleman from Michigan (Mr. Siljander). . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, do I understand that the process that has just taken place has given the minority side one-quarter of the time.

THE CHAIRMAN: The Chair would counsel the gentleman from Pennsylvania in regard to his inquiry that the rule provides that a Member will be recognized in opposition. The gentleman from Washington (Mr. Bonker) was recognized in opposition, and he shared his time with your side.

MR. WALKER: In other words, the minority, though, was not recognized for the purposes of opposition. Is that correct?

THE CHAIRMAN: The Chair would state that the procedures of the House are governed by its rules, but more importantly in this instance, by the rule adopted by the House as reported from the committee.

§ 3.79 The House having adopted a special order governing consideration of a bill in Committee of the Whole providing for the consideration of a substitute for a designated amendment, but also providing that "before the consideration of any amendments to said amendment, it shall be in order to debate said amendment for not to exceed one hour", debate on the amendment must conclude before the substitute may be offered (unless otherwise provided by unanimous consent).

An example of the proposition described above occurred on Aug. 15, 1986,(1) during consideration of H.R. 4428.(2) The proceedings in the Committee of the Whole were as follows:

THE CHAIRMAN PRO TEMPORE:(3) When the Committee of the Whole

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1. 132 CONG. REC. 22050, 22051, 99th Cong. 2d Sess.
2. The Department of Defense Authorization, fiscal year 1987.
3. Marty Russo (Ill.).

rose on Thursday, August 14, 1986, amendment numbered 113 made in order pursuant to paragraph 3 of the House Resolution 531 had been completed.

It is in order to consider an amendment if offered by Representative Hawkins relating to the application of the Davis-Bacon Act at this point, which shall not be subject to amendment except a substitute if offered by Representative Dickinson consisting of the text of amendment numbered 114 printed in House Report 99-766, which shall not be subject to amendment.

The amendment and the substitute shall each be debatable for 1 hour equally divided and controlled by the proponent and a Member opposed thereto.

Mr. [Augustus F.] Hawkins [of California]: Mr. Chairman, I offer an amendment. . . .

Mr. [William L.] Dickinson [of Alabama]: Mr. Chairman, in order to clarify the parliamentary situation, Mr. Chairman, I would like to get a ruling from the Chair as to the procedure.

The Chair has already announced the preference of offering the amendments and what would be availabe as a substitute. My question is, Under the rule, is it correct to say that Mr. Hawkins would offer an amendment which would give him 1 hour to be divided, half by him and half by some Member in opposition, which in this case would be myself?

At the end of that time, then the substitute, which I have, would be offered and there would be another hour of debate, or is there another allocation of time?

The Chairman Pro Tempore: That would be the scenario, the Chair will state. . . . If the gentleman from California (Mr. Hawkins) would yield to the gentleman at this point, we could have both the amendments pending at the same time by unanimous consent.

Mr. Dickinson: Mr. Chairman, it was my thinking that perhaps it would be advantageous, rather than having the gentleman go forward for an hour and my going forward an hour, if we would agree that there would be a total of 2 hours, half of which the gentleman would control and half of which I would control. . . .

The Chairman Pro Tempore: The Chair needs to make a clarification.

The Chair will state that under the rule, the gentleman's amendment has to be debated for 1 hour.

Mr. Dickinson: Well, that was my question.

The Chairman Pro Tempore: Before the substitute can be offered.

Effect of Adoption or Rejection of Amendments Being Considered Under Special Rule

§ 3.80 Where a special order adopted by the House makes in order an amendment to strike out a portion of a bill and to insert new text, and prohibits amendments to that amendment or further amendments changing that portion of the bill if the designated amendment is adopted, further amendments to that portion of the bill, including a motion to strike, are in order if the designated amendment is rejected.

On Sept. 14, 1978,(4) the Chairman of the Committee of the Whole responded to several parliamentary inquiries concerning the procedure for offering amendments under the special rule providing for consideration of the bill H.R. 8729.(5) The proceedings were as follows:

> MR. [WILLIAM A.] STEIGER [of Wisconsin]: . . . If the amendment from the Committee on Ways and Means is adopted, is a motion to strike title III in order?
>
> THE CHAIRMAN:(6) It would not be in order in that event.
>
> MR. STEIGER: If the amendment from the Ways and Means Commitee is rejected, is a motion to strike title III in order?
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> THE CHAIRMAN: The Chair will advise the gentleman that in the event the pending Ways and Means Committee amendment made in order under the rule were to be rejected, then germane amendments to title III would be in order, including a motion to strike.

§ 3.81 Where the House had adopted a special rule permitting amendments to be offered although changing portions of the text of amendments already agreed to, the Chair overruled a point of order against an amendment changing provisions already amended.

On Nov. 30, 1982,(7) it was held that, while under general procedure an amendment may not be offered which directly changes an amendment already agreed to, where the House has adopted a special rule permitting amendments to be offered even if changing portions of amendments already agreed to that principle does not apply. The proceedings in the Committee of the Whole during consideration of H.R. 3809(8) were as follows:

> MR. [EDWARD J.] MARKEY [of Massachusetts]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
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>> Amendment offered by Mr. Markey: In section 114(a)(3), strike out "and legislature" and insert in lieu thereof "or legislature".
>>
>> In section 115(a), strike out "and legislature" and insert in lieu thereof "or legislature". . . .
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> MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Chairman, I reserve a point of order on the amendment. . . .
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> [T]he point of order is that the language that we adopted on yesterday has already amended the sections and has stricken out "legislature," and thus this amendment would not be in order, since it is action on amendments and sections that have already been amended. . . .

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[4] 124 CONG. REC. 29477, 95th Cong. 2d Sess.

[5] Aircraft Noise Reduction Act.

[6] Gerry E. Studds (Mass.).

[7] 128 CONG. REC. 28049, 97th Cong. 2d Sess.

[8] Nuclear Waste Policy Act.

MR. [RICHARD L.] OTTINGER [of New York]: Mr. Chairman, I think the amendment is clearly in order, because under the rule that was adopted for consideration of this bill, House Resolution 601, on page 3, in lines 14, 15, and 16, it says: "and all such amendments shall be in order even if changing portions of the text of said substitute already changed by amendment.". . .

THE CHAIRMAN:(9) Is there any further discussion on the point of order? If not, the Chair will rule pursuant to the rule that was adopted on page 3, lines 14 through 16, it clearly states that all such amendments shall be in order even if changing portions of the text of said substitute already changed by amendment. And therefore, the point of order is not well taken, and it is overruled.

Separate Votes on Amendments Reported Back to House

§ 3.82 Where the Committee of the Whole reports a bill back to the House with an adopted committee amendment in the nature of a substitute pursuant to a special rule allowing separate votes in the House on any amendment adopted in Committee of the Whole to the bill or to that committee substitute, and a separate vote is demanded in the House only on an amendment striking out a section of the committee substitute, but not on perfecting amendments which have previously been adopted in Committee of the Whole to that section, rejection in the House of the motion to strike the section results in a vote on the committee substitute with that section in its original form and not as perfected (the perfecting amendments having been displaced in Committee of the Whole by the motion to strike and not having been revived on a separate vote in the House).

On Oct. 13, 1977,(10) the Committee of the Whole having reported H.R. 3816 back to the House with an amendment, the proceedings described above were as follows:

THE CHAIRMAN:(11) Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

THE CHAIRMAN: Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Kazen, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 3816) to amend the Federal

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9. Leon E. Panetta (Calif.).

10. 123 CONG. REC. 33622, 33623, 95th Cong. 1st Sess.

11. Abraham Kazen, Jr. (Tex.).

Trade Commission Act to expedite the enforcement of Federal Trade Commission cease and desist orders and compulsory process orders; to increase the independence of the Federal Trade Commission in legislative, budgetary, and personnel matters; and for other purposes, pursuant to House Resolution 718, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The Speaker:[12] Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. [Bob] Eckhardt [of Texas]: Mr. Speaker, I demand a separate vote on the so-called Krueger amendment. . . .

Mr. [James T.] Broyhill [of North Carolina]: Mr. Speaker, is it not correct that we would be acting on section 7 as written in the bill and not on the amendments as adopted by the Committee of the Whole if the Krueger amendment is adopted?

The Speaker: The amendment is to strike section 7 of the bill. The vote will be on that.

Mr. Broyhill: Mr. Speaker, if the Krueger amendment is defeated, then what is in the bill is the section as written in the bill and not the amendments that were adopted?

The Speaker: We are back to the original committee bill.

Mr. Broyhill: The original committee bill only, and not the amendments that were adopted?

The Speaker: The gentleman is correct.

Parliamentarian's Note: House Resolution 718, under which the House was operating, provided that the committee amendment in the nature of a substitute be read as an original bill for amendment and that separate votes could be demanded in the House on any amendment adopted in Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. In the above proceeedings, the House could have retained the section as perfected in Committee of the Whole by first adopting, on separate votes, the perfecting amendments to section 7, and then rejecting on a separate vote the motion to strike that section. A Member who fails to demand a separate vote on a perfecting amendment to a portion of an amendment being read as original text, where a separate vote is demanded on a motion to strike which has deleted that perfecting language, allows the perfecting language to lapse whether or not the motion to strike is adopted on a separate vote.

—Amendments Considered En Bloc

§ 3.83 Where the Committee of the Whole reports a bill back to

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[12] Thomas P. O'Neill, Jr. (Mass.).

the House with amendments, some of which were considered en bloc pursuant to a special rule, the en bloc amendments may be voted on again en bloc on a demand for a separate vote, but another amendment separately considered in Committee of the Whole may not be voted on en bloc in the House without unanimous consent.

On Sept. 7, 1978,(13) during consideration of H.R. 7308,(14) the situation described above occurred as follows:

THE CHAIRMAN PRO TEMPORE: Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. Murtha, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 7308) to amend title 18, United States Code, to authorize applications for a court order approving the use of electronic surveillance to obtain foreign intelligence information, pursuant to House Resolution 1266, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

THE SPEAKER:(15) Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

MR. [EDWARD P.] BOLAND [of Massachusetts]: Mr. Speaker, I demand a separate vote en bloc on the McClory amendments agreed to on September 6, and I demand a separate vote on the conforming McClory amendments agreed to on today.

THE SPEAKER: Is a separate vote demanded on any other amendment to the Committee amendment? The Clerk will report the amendments en bloc on which a separate vote has been demanded.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BAUMAN: Mr. Speaker, is it proper for the gentleman from Massachusetts (Mr. Boland) to demand a separate vote en bloc on the amendments, or must he ask for a vote on each one of these amendments?

THE SPEAKER: The Chair will state that the rule provides that it shall be in order to consider the amendments en bloc, so under the rule the vote on the amendments would be considered as on the amendments en bloc. . . .

MR. BAUMAN: Mr. Speaker, am I correct that the original McClory amendment was considered separately and that the several others were adopted subsequently?

MR. [ROBERT] MCCLORY [of Illinois]: Mr. Speaker, if the gentleman will yield, I might inform the gentleman that the conforming amendments were

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13. 124 CONG. REC. 28423, 28425, 95th Cong. 2d Sess.
14. The Foreign Intelligence Surveillance Act of 1978.
15. Thomas P. O'Neill (Mass.).

considered separately, and the other amendments were considered en bloc.

MR. BAUMAN: Mr. Speaker, may I inquire on which amendment is it that the gentleman from Massachusetts (Mr. Boland) demands a separate vote? . . .

THE SPEAKER: The Chair will state that the amendments offered by the gentleman from Illinois (Mr. McClory) that were agreed to yesterday will be voted on en bloc today. That is in conformance with the demand made by the gentleman from Massachusetts (Mr. Boland).

MR. BAUMAN: A further parliamentary inquiry, Mr. Speaker.

The gentleman mentioned the McClory amendment and all amendments agreed to en bloc. So do we now face three or four separate votes?

THE SPEAKER: The McClory amendment agreed to today is a separate amendment.

Parliamentarian's Note: En bloc consideration of amendments in Committee of the Whole pursuant to a unanimous-consent request therein does not result in an en bloc vote in the House upon demand for a separate vote, since that is an order of the Committee not binding on the House. Moreover, even amendments considered en bloc pursuant to a special rule are subject to a demand for a division of the question in the House if divisible, unless prohibited by the rule.

§ 4. Recognition To Offer Amendments; Priority

Necessity of Recognition

§ 4.1 A Member wishing to offer an amendment must first be recognized by the Chair for that purpose.

On Sept. 21, 1967,[16] the following exchange took place:

MR. [FRANK T.] BOW [of Ohio]: Mr. Speaker, the parliamentary inquiry is this: Is a continuing resolution subject to amendment when it is brought onto the floor of the House, if the amendment is germane?

THE SPEAKER:[17] The Chair will state that any germane amendment will be in order. . . .

MR. [H.R.] GROSS [of Iowa]: The parliamentary inquiry is this: That the gentleman could offer an amendment if the Speaker recognized the gentleman for that purpose?

THE SPEAKER: The Chair will state that the question answers itself. The answer would be yes, subject to the right of recognition, it is a question within the discretion of the Speaker.

Discretion of Chair

§ 4.2 Recognition for the purpose of offering amendments is within the discretion of the Chair.

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[16] 113 CONG. REC. 26370, 90th Cong. 1st Sess.

[17] John W. McCormack (Mass.).

On Dec. 15, 1937,(18) the following proceedings took place.

MR. [GERALD J.] BOILEAU [of Wisconsin]: Would not perfecting amendments have priority over an amendment to substitute?

THE CHAIRMAN:(19) So far as voting is concerned, yes.

MR. BOILEAU: I appreciate that fact, but may I propound a further parliamentary inquiry, whether or not a Member rising in his place and seeking recognition would not have a prior right to recognition for the purpose of offering a perfecting amendment to the amendment now pending?

THE CHAIRMAN: It does not necessarily follow that such Member would have a prior right. Recognition is in the discretion of the Chair.

Parliamentarian's Note: Other factors affecting recognition being equal, the Chair would normally recognize a Member to offer a perfecting amendment before recognizing a Member to offer a substitute for the entire text, under the doctrine that the pending text should be perfected before a decision is made on whether to strike out, or to strike out and insert new text.

§ 4.3 A resolution reported from the Committee on Rules which merely makes in order the consideration of a particular amendment (in the nature of a substitute) but does not waive points of order or otherwise confer a privileged status upon the amendment does not, in the absence of legislative history establishing a contrary intent by that committee, alter the principles that recognition to offer an amendment under the five-minute rule is within the discretion of the Chairman of the Committee of the Whole and that adoption of one amendment in the nature of a substitute precludes the offering of another.

On May 23, 1978,(20) the Committee of the Whole having under consideration House Resolution 1188,(1) the above-stated proposition was illustrated as indicated below:

H. RES. 1188

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill [H.R. 10929]. . . . It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee

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18. 82 CONG. REC. 1590, 75th Cong. 2d Sess. Under consideration was S. 4275, the wages and hours bill.
19. John W. McCormack (Mass.).
20. 124 CONG. REC. 15094–96, 95th Cong. 2d Sess.
1. Providing for consideration of H.R. 10929, Department of Defense authorization for fiscal year 1979.

on Armed Services now printed in the bill as an original bill for the purposes of amendment, said substitute shall be read for amendment by titles instead of by sections and all points of order against said substitute for failure to comply with the provisions of clause 5, rule XXI and clause 7, rule XVI, are hereby waived, except that it shall be in order when consideration of said substitute begins to make a point of order that section 805 of said substitute would be in violation of clause 7, rule XVI if offered as a separate amendment to H.R. 10929 as introduced. If such point of order is sustained, it shall be in order to consider said substitute without section 805 included therein as an original bill for the purpose of amendment, said substitute shall be read for amendment by titles instead of by sections and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI and clause 5, rule XXI are hereby waived. It shall be in order to consider the amendment printed in the Congressional Record of May 17, 1978, by Representative Carr if offered as an amendment in the nature of a substitute for the amendment in the nature of a substitute recommended by the Committee on Armed Services. . . .

THE SPEAKER PRO TEMPORE:(2) . . . The . . . rule requested makes in order the substitute of Representative Carr printed in the Congressional Record of May 17, 1978. Under the open rule, Mr. Carr would already be entitled to offer his amendment in the nature of a substitute. Although this provision in the rule does not give Mr. Carr special or preferred status under the rule, it does indicate the Rules Committee's desire to have all the diverse viewpoints on the DOD legislation available for consideration by the House. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I would like to put a parliamentary inquiry to the Chair regarding the language on page 2 of the rule, line 24, through line 4 on page 3. It appears to me that the making in order of the offering of a substitute to the committee amendment by the gentleman from Michigan (Mr. Carr) is nothing more than an expression of the right of any Member of the House to offer such amendment at any time in the Committee of the Whole. My question to the Chair is whether or not the appearance of this language in the rule in any way changes the right of the Chair to recognize members of the committee in order of seniority at the Chair's discretion.

THE SPEAKER PRO TEMPORE: The recognition will be a matter for the Chairman of the Committee of the Whole House to determine. . . .

MR. BAUMAN: My specific question, Mr. Speaker, was whether or not this varies the precedents regarding recognition and confers upon the gentleman from Michigan (Mr. Carr) some special status as opposed to the Chair's recognizing other members of the Committee on Armed Services handling the bill.

THE SPEAKER PRO TEMPORE: It would still be up to the Chairman of the Committee of the Whole House on the State of the Union to determine the priorities of recognition. . . .

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2. James C. Wright, Jr. (Tex.).

Let the Chair respond by stating that the rules of the House will apply and will not be abridged by reason of the adoption of this rule. If another amendment in the nature of a substitute should have been adopted, it would not perforce thereafter be in order to offer an additional amendment, whether it be the Carr amendment or any other.

As the Chair interprets the inclusion of the language referred to in the rule, it confers no special privilege upon the amendment in the nature of a substitute referred to as the Carr substitute. It presumes and makes in order such language as an amendment in the nature of a substitute. Beyond that, it does not foreclose consideration of any other germane language that otherwise would be in order. . . .

Mr. [Harold L.] Volkmer [of Missouri]: . . . [I]f along the way a substitute is adopted other than that offered by the gentleman from Michigan (Mr. Carr) then at the end of our consideration the substitute of the gentleman from Michigan (Mr. Carr) would not be in order; is that correct?

The Speaker Pro Tempore: The Chair believes the gentleman from Missouri (Mr. Volkmer) has correctly stated the parliamentary situation, if any amendment in the nature of a substitute is adopted, then additional amendments would not be in order.

Parliamentarian's Note: Section 805 of the committee substitute related to troop withdrawals from Korea, a matter unrelated to the bill and beyond the jurisdiction of the Armed Services Committee; the Committee on International Relations successfully urged the Rules Committee to render that section alone subject to a point of order, while protecting the consideration of the remainder of the substitute as original text. (Since a point of order against any portion of an amendment renders the entire amendment subject to a point of order, language was necessary in the rule to allow the consideration of a new amendment without the offending section.)

§ 4.4 Recognition to offer amendments in Committee of the Whole is in the Chair's discretion, and no point of order lies against the Chair's recognition of one Member over another, where the special order governing the consideration of the bill gives no particular precedence to an amendment.

Where a special order adopted by the House makes in order a designated amendment to a bill in Committee of the Whole but gives no special priority or precedence to such an amendment, the Chair is not required to extend prior recognition to offer that amendment but may rely on other principles of recognition such as alternation between majority and minority parties and priority of perfecting amendments over motions to strike. Thus, as indicated in the proceedings of June 21, 1979,(3) the Chair may, after recognizing the manager of a bill to offer a pro forma amendment under the five-minute rule, then recognize the ranking minority member to offer a perfecting amendment, prior to recognizing another majority member seeking recognition on behalf of another committee with jurisdiction over a portion of the bill to move to strike out that portion, where the motion to strike is made in order but given no preferential status in the special rule governing consideration of the bill. The proceedings, during consideration of H.R. 111, the Panama Canal Act of 1979, were as follows:

> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Bauman: Page 187, strike out line 19 and all that follows through line 20 on page 189 and insert in lieu thereof the following:
> >
> > Chapter 2—IMMIGRATION
> >
> > Sec. 1611. SPECIAL IMMIGRANTS.—(a) Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), relating to the definition of special immigrants, is amended . . .
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> MS. [ELIZABETH] HOLTZMAN [of New York] (during the reading): Mr. Chairman, I want to raise a point of order. My point of order is that under the rule the Committee on the Judiciary was given the right to offer an amendment to strike section 1611, and I believe that is the import of the amendment offered. The gentleman's amendment goes to that section, and I was on my feet.
>
> THE CHAIRMAN:(4) First the amendment should be read, and then the Chair will recognize the gentlewoman.
>
> The Clerk will read.
>
> The Clerk continued the reading of the amendment. . . .
>
> MS. HOLTZMAN: Mr. Chairman, I renew the point of order that I tried to state at an earlier time. . . . [A]t the time that the last amendment was voted on, I was on my feet seeking to offer an amendment on behalf of the Committee on the Judiciary with respect to striking in its entirety section 1611 of the bill. The right to offer that amendment is granted under the rule, in fact on page 3 of House Resolution 274. I want to ask the Chair whether I am entitled to be recognized or was entitled to be recognized to make first a motion, which was a motion to strike the entire section before amendments were made to the text of the bill.
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> THE CHAIRMAN: Unless an amendment having priority of consideration under the rule is offered, it is the Chair's practice to alternate recognition of members of the several committees that are listed in the rule, taking amendments from the majority and minority side in general turn, while

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(3) 125 CONG. REC. 15999, 16000, 96th Cong. 1st Sess.

(4) Thomas S. Foley (Wash.).

giving priority of recognition to those committees that are mentioned in the rule.

The gentlewoman from New York (Ms. Holtzman) is a member of such a committee, but following the adoption of the last amendment the gentleman from New York (Mr. Murphy), the chairman of the Committee on Merchant Marine and Fisheries, sought recognition to strike the last word. Accordingly, the Chair then recognized the gentleman from Maryland (Mr. Bauman) to offer a floor amendment, which is a perfecting amendment to section 1611 of the bill.

The rule mentions that it shall be in order to consider an amendment as recommended by the Committee on the Judiciary, to strike out section 1611, if offered, but the rule does not give any special priority to the Committee on the Judiciary to offer such amendments over perfecting amendments to that section.

Ms. HOLTZMAN: Mr. Chairman, may I be heard further? The gentleman said that he was going to recognize members of the committees that had a right to offer amendments under the rule alternately. I would suggest to the Chair that no member of the Committee on the Judiciary has been recognized thus far in the debate with respect to offering such an amendment and, therefore, the Chair's principle, as I understood he stated it, was not being observed in connection with recognition.

THE CHAIRMAN: The Chair would observe that the Chair is attempting to be fair in recognizing Members alternately when they are members of committees with priority and that the rule permits but does not give the Committee on the Judiciary special priority of recognition over other floor amendments, which under the precedents would take priority over a motion to strike.

Second, the Chair would like to advise the gentlewoman from New York that recognition is discretionary with the Chair and is not subject to a point of order. Does the gentlewoman have any further comment to make on the point of order?

The Chair overrules the point of order and recognizes the gentleman in the well.

Parliamentarian's Note: The amendment offered by Mr. Bauman struck out section 1611 of the bill and inserted a new section, whereas the amendment made in order under the rule on behalf of the Committee on the Judiciary was an amendment to strike that section; thus adoption of the Bauman amendment precluded the offering of the Judiciary Committee amendment. It would have made little difference if Ms. Holtzman was recognized first, since the Bauman amendment could have been offered (as a perfecting amendment) while the Holtzman motion to strike was pending and if the Bauman amendment was adopted the motion to strike would have necessarily fallen and would not have been voted on.

If the Holtzman amendment, and the amendments to be offered on behalf of the Committees on Foreign Affairs and Post Office and Civil Service, had been committee amendments formally recommended in reports on H.R. 111, they would have been automatically considered by the Committee of the Whole. But as indicated in the discussion on the rule, only the Committee on Merchant Marine and Fisheries had formally reported H.R. 111.

§ 4.5 The order of recognition to offer amendments is within the discretion of the Chair, who may either base his initial recognition on committee seniority or upon the preferential voting status of the amendments sought to be offered.

As indicated in the proceedings of May 15, 1979,(5) where both a pending amendment and a substitute therefor are open to perfecting amendments, the Chair has the discretion of either first recognizing the senior committee member, or a junior committee member whose amendment would be first voted upon, where both amendments could ultimately be pending at the same time. Under consideration that day was H.R. 39, the Alaska National Interest Lands Conservation Act of 1979.

Mr. [John F.] Seiberling [of Ohio]: Mr. Chairman, I have an amendment at the desk.

The Chairman:(6) Is this to the Udall substitute?

Mr. Seiberling: Mr. Chairman, I have an amendment at the desk to the Udall-Anderson bill, which is actually a series of technical amendments which I will ask unanimous consent to offer en bloc.

Mr. [John D.] Dingell [of Michigan]: Mr. Chairman, reserving a point of order, reserving the right to object to any unanimous-consent request relating to dispensation from reading of this wondrous compendium of documents, I have no objection to the gentleman proceeding. . . .

The Chairman: Since there is no other amendment pending to the Udall substitute, the amendment of the gentleman from Ohio may be offered.

Mr. [John B.] Breaux [of Louisiana]: Mr. Chairman, a parliamentary inquiry.

The Chairman: The gentleman from Louisiana will state the parliamentary inquiry.

Mr. Breaux: Mr. Chairman, assuming there is an amendment to be offered to the so-called Breaux-Dingell merchant marine version, that would take precedence over an amendment to the so-called Udall-Anderson interior bill?

The Chairman: The Chair has the option either to recognize the senior Member first or to first recognize that

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(5) 125 Cong. Rec. 11135, 11136, 96th Cong. 1st Sess.

(6) Paul Simon (Ill.).

Member seeking to offer the amendment which will be preferential and first voted upon.

MR. [THOMAS J.] HUCKABY [of Louisiana]: Mr. Chairman, I have amendments at the desk for the Breaux-Dingell bill.

THE CHAIRMAN: The Clerk will report the amendments.

MR. [DON H.] CLAUSEN [of California]: Mr. Chairman, I have a parliamentary inquiry.

Mr. Chairman, what is the parliamentary situation? Is there an amendment to be offered by the gentleman from Ohio (Mr. Seiberling) or the gentleman from Louisiana (Mr. Huckaby)?

THE CHAIRMAN: The Chair will state that the gentleman from Ohio (Mr. Seiberling) sought recognition to amend the Udall substitute, but the gentleman from Louisiana (Mr. Huckaby) has an amendment to the Merchant Marine and Fisheries amendment in the nature of a substitute, and he will be recognized. The Chair will recognize the gentleman from Ohio (Mr. Seiberling) later for the purposes of offering his amendment. . . .

MR. HUCKABY: Mr. Chairman, I offer amendments to the amendment in the nature of a substitute.

THE CHAIRMAN: The Clerk will report the amendments.

Yielding for Amendment

§ 4.6 A Member recognized under the five-minute rule in Committee of the Whole may not yield to another Member to offer an amendment, as recognition to offer amendments rests in the Chairman of the Committee of the Whole.

An example of the principle stated above occurred on Apr. 9, 1979,(7) during consideration of H.R. 3324, the International Development Cooperation Act of 1979.

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, I move to strike the requisite number of words.

MR. [PAUL] FINDLEY [of Illinois]: Mr. Chairman, will the gentleman yield for the purpose of offering an amendment?

MR. ROUSSELOT: Yes.

MR. FINDLEY: Mr. Chairman, I have an amendment at the desk.

THE CHAIRMAN:(8) The Chair will advise the gentleman from Illinois that he will have to seek his own time for the purposes of offering his amendment.

§ 4.7 A Member in charge of a resolution loses his right to resume if he yields to another to offer an amendment.

On Apr. 12, 1956,(9) the following proceedings took place:

MR. [HOWARD W.] SMITH of Virginia: Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 400) and ask for its immediate consideration. . . .

MR. [IVOR D.] FENTON [of Pennsylvania]: Mr. Speaker, I offer an amendment.

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7. 125 CONG. REC. 7761, 96th Cong. 1st Sess.
8. Elliott H. Levitas (Ga.).
9. 102 CONG. REC. 6264, 6265, 84th Cong. 2d Sess.

THE SPEAKER:(10) Does the gentleman from Virginia yield? . . .

MR. SMITH of Virginia: If the gentleman will let me have [the amendment] for a few minutes, as soon as I get through with my remarks, I will be glad to look it over.

MR. FENTON: It just strikes out the word "bituminous."

MR. SMITH of Virginia: Mr. Speaker, I yield for the gentleman's amendment.

THE SPEAKER: The Chair would think it would be wiser for the gentleman from Virginia to offer the amendment; otherwise he might lose the floor.

Similarly, on July 16, 1956,(11) Speaker Rayburn indicated in response to inquiries that, in the House, a Member in charge of a resolution loses his right to resume when he yields to another to offer an amendment and the sponsor of the amendment is recognized under the hour rule.

Committee Members

§ 4.8 Recognition for offering amendments is in the discretion of the Chair and preference is given to members of committees reporting the bill, if on their feet seeking recognition.

On June 29, 1939,(12) the following proceedings took place:

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Chairman, I would like to be recognized.

MR. H. CARL ANDERSEN [of Minnesota]: Mr. Chairman, the gentleman from Minnesota [Mr. Knutson] has already been recognized.

THE CHAIRMAN:(13) Recognition is in the discretion of the Chair, and the Chair will recognize members of the committee first. . . .

The Chair feels that inasmuch as Members of the committee were not on their feet and the gentleman from Minnesota had been recognized, the gentleman is entitled to recognition.

§ 4.9 Members of the committee reporting a bill usually have preference with respect to recognition to offer amendments, but the Chair has recognized another where, as he stated, he did not see committee members seeking recognition.

On Aug. 10, 1949,(14) the following proceedings took place:

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10. Sam Rayburn (Tex.).
11. 102 CONG. REC. 12922, 12923, 84th Cong. 2d Sess.
12. 84 CONG. REC. 8311, 76th Cong. 1st Sess. Under consideration was H.J. Res. 306, the Neutrality Act of 1939.
13. Jere Cooper (Tenn.).
14. 95 CONG. REC. 11196, 81st Cong. 1st Sess. Under consideration was H.R. 5886, amending the Fair Labor Standards Act.

THE CHAIRMAN:(15) The gentleman from North Carolina is recognized to offer his amendment. . . .

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Does the Chair rule that a member of the committee does not have preference in recognition when two Members, one not a member of the committee, are seeking recognition at the same time?

THE CHAIRMAN: The Chair did not see the gentleman from Ohio on his feet at the same time. The Chair had recognized the gentleman from North Carolina, then the Chair recognized the gentleman from Michigan to submit a consent request. The gentleman from Ohio will be recognized in due time.

Priority of Recognition to Committee Members

§ 4.10 While the Chair endeavors to alternate recognition for the purpose of offering amendments between majority and minority members, the usual practice is that members of the committee reporting a pending bill are entitled to prior recognition over noncommittee members despite their party affiliation.

On July 22, 1974,(16) the Chairman of the Committee of the Whole indicated that he would continue to accord prior recognition to minority members of the Committee on Interior and Insular Affairs to offer amendments to a bill reported from that committee over majority noncommittee members, but that he would alternate between parties if majority committee members sought recognition. The proceedings were as follows:

MR. [CRAIG] HOSMER [of California]: Mr. Chairman, I offer an amendment to the amendment offered by Mrs. Mink as a substitute for the amendment offered by Mr. Hosmer to the committee amendment in the nature of a substitute. . . .

MR. [WAYNE L.] HAYS [of Ohio]: It is my understanding that under the longstanding rules of the House and the Committee of the Whole that we alternate from the Democratic side to the Republican side, or vice versa, whichever the case may be.

Now, there are Members on this side who want to offer amendments. If the Chair is going to consistently listen to three in a row that the gentleman from California has had, we do not know where we stand.

THE CHAIRMAN:(17) The Chair understands the gentleman's parliamentary inquiry; but the Chair believes that as long as members of the committee seek recognition, they are entitled to recognition first; at least up to a certain point, and if a member of the commit-

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15. Harold D. Cooley (N.C.).

16. 120 CONG. REC. 24454, 24457, 93d Cong. 2d Sess. Under consideration was H.R. 11500, the Surface Mining Control and Reclamation Act of 1974.

17. Neal Smith (Iowa).

tee from the majority side stands, he could be recognized.

§ 4.11 While the matter of recognition to offer amendments in Committee of the Whole under the five-minute rule is within the discretion of the Chairman, members of the reporting committee or committees are normally accorded prior recognition in order of committee seniority.

On May 17, 1978,(18) during consideration of House Resolution 1186 providing for the consideration of H.R. 39,(19) the Speaker Pro Tempore responded to several parliamentary inquiries regarding general principles relating to recognition to offer amendments to the bill during consideration in the Committee of the Whole:

MR. [CHRISTOPHER J.] DODD [of Connecticut]: Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 1186 and ask for its immediate consideration. . . .

H. RES. 1186

Resolved, That upon the adoption of this resolution it shall be in order to move . . . that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of [H.R. 39]. . . . After general debate, which shall be confined to the bill and shall continue not to exceed three hours, two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, and one hour to be equally divided and controlled by the chairman and ranking minority members of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in italic in the bill, it shall be in order to consider the text of the bill H.R. 12625 if offered as an amendment in the nature of a substitute for the bill, said substitute shall be read for amendment under the five-minute rule as an original bill by titles instead of by sections, and all points of order against said substitute or any amendment in the nature of a substitute offered thereto for failure to comply with the provisions of clause 7, rule XVI and clause 5, rule XXI are hereby waived. . . .

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Speaker, this waiver applies, as the Chair has just stated, only to substitutes, not to ordinary amendments; is that correct?

THE SPEAKER PRO TEMPORE:(20) The Chair will state it applies to amendments in the nature of a substitute.

MR. UDALL: The Chair will tell us, will he not, that the rules and customs of the House would ordinarily indicate that the floor managers of the bill or members of the appropriate committees would be recognized ahead of other Members in case there were more than one substitute to be offered?

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18. 124 CONG. REC. 14139, 14145, 95th Cong. 2d Sess.
19. Alaska National Interest Lands Conservation Act.
20. Charles A. Vanik (Ohio).

The Speaker Pro Tempore: The Chair will state that recognition of Members will be under the control of the Chair at the time that the House is in the Committee of the Whole. . . .

Mr. [Robert E.] Bauman [of Maryland]: I would like to ask the Chair whether it is not true, under the precedents of the House, that any member of either committee has a right to be recognized to offer amendments; of course, the chairman and ranking minority member first and other Members after that, may be recognized to offer amendments, so that no restriction is imposed on any Member's right to offer amendments under this rule?

The Speaker Pro Tempore: The Chair will state that the gentleman has correctly stated the general principles relating to recognition.

§ 4.12 Where a pending title of a bill is open to amendment and a unanimous-consent request is made that the next two succeeding titles also be considered as open to amendment, all three titles would be open to amendment, with priority in recognition being given to members of the Committee reporting the bill.

On Jan. 29, 1980,(1) during consideration of H.R. 4788(2) in the Committee of the Whole, the proceedings described above occurred as follows:

Mr. [Ray] Roberts [of Texas]: Mr. Chairman, I ask unanimous consent that titles III and IV be considered as read and open for amendment at any point. . . .

Mr. [Allen E.] Ertel [of Pennsylvania]: Mr. Chairman, am I under the understanding at this point that titles II, III, and IV are now open to amendment?

The Chairman:(3) That is correct, if no objection is heard.

Mr. Ertel: I have no objection.

Mr. [Don H.] Clausen [of California]: Mr. Chairman, reserving the right to object, I want to make sure we are going to be proceeding in an orderly manner. I am assuming we will proceed through title II for the consideration of the amendment and then follow on with the consideration of titles III and IV.

The Chairman: The Chair will advise the gentleman that if the unanimous-consent request is adopted without objection, titles II, III, and IV will be open for amendment at any point. Committee members will, of course, have priority in recognition.

§ 4.13 Priority of recognition to offer amendments under the five-minute rule in Committee of the Whole is extended to members of the full committee reporting the bill, alternating between the majority and mi-

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1. 126 Cong. Rec. 973, 96th Cong. 2d Sess.
2. The Water Resources Development Act.
3. Matthew F. McHugh (N.Y.).

nority, and the Chair does not distinguish between members of the subcommittee which considered the bill and other members of the full committee.

An example of the proposition stated above occurred on July 2, 1980,(4) during consideration of H.R. 7235, the Rail Act of 1980. The proceedings in the Committee of the Whole were as follows:

MR. [JAMES J.] FLORIO [of New Jersey]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Florio: Page 103, line 14, insert "or (c)" immediately after "subsection (b)". . . .

MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Madigan as a substitute for the amendment offered by Mr. Florio:
>
> Page 103, line 14 insert "or (c)" immediately after "subsection (b)".
>
> Page 104, line 20, strike out the closing quotation marks and the following period.
>
> Page 104, after line 20, insert the following new subsection. . . .

MR. [ROBERT C.] ECKHARDT [of Texas]: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

THE CHAIRMAN:(5) The Clerk will report the amendment to the substitute amendment.

MR. MADIGAN: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state his point of order.

MR. MADIGAN: Mr. Chairman, I understand that the procedure is that the members of the subcommittee would be recognized for amendments first, and that the gentleman from Texas sought recognition for the purpose of making a parliamentary inquiry and was recognized for that purpose, and was not recognized for the purpose of offering an amendment.

I further understand that the gentlewoman from Maryland, a member of the subcommittee, was on her feet seeking recognition for the purpose of offering an amendment, as well as the gentleman from North Carolina (Mr. Broyhill). . . .

THE CHAIRMAN: The Chair will respond to the gentleman by saying to him that the normal procedure is to recognize members of the full committee by seniority, alternating from side to side, which the Chair has been doing. The gentleman was recognized under that procedure, and the Chair's recognition is not in any event subject to challenge.

Therefore, the gentleman is recognized, and any point of order that the gentleman from Illinois would make on that point would not be sustained.

MR. MADIGAN: Further pursuing my point of order, and with all due respect to the Chair, am I incorrect in assuming that the gentleman from Texas

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4. 126 CONG. REC. 18288, 18290-92, 96th Cong. 2d Sess.

5. Les AuCoin (Oreg.).

was recognized for the point of raising a parliamentary inquiry?

The Chairman: The gentleman is correct. He was recognized for that purpose; then separately for the purpose of the amendment that he is offering, which the Clerk will now report.

Parliamentarian's Note: As the above proceedings demonstrate, the fact that the Chair has recognized a Member to raise a parliamentary inquiry does not prohibit the Chair from then recognizing the same Member to offer an amendment, and the principle of alternation of recognition does not require the Chair to recognize a Member from the minority to offer an amendment after recognizing a Member from the majority to raise a parliamentary inquiry.

§ 4.14 While the Chair endeavors to alternate recognition for the purpose of offering amendments, and controlling time in opposition thereto, between majority and minority members, members of the committee reporting a pending bill are entitled to prior recognition over non-committee members regardless of their party affiliation.

On May 4, 1983,(6) during consideration of House Joint Resolution 13(7) in the Committee of the Whole, the proceedings described above occurred as follows:

Mr. [Stephen J.] Solarz [of New York]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Solarz to the amendment offered by Mr. Levitas: Strike out the matter proposed to be added to the resolution by the Levitas amendment and insert in lieu thereof the following: ", with reductions to be achieved as soon as possible after the achievement of a mutual and verifiable freeze".

The Chairman Pro Tempore: The gentleman from New York (Mr. Solarz) is recognized for 15 minutes, for purposes of debate only, on his amendment.

Mr. [James G.] Martin of North Carolina: Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. Solarz: Certainly. I am happy to yield for that purpose. . . .

Mr. Martin of North Carolina: . . . Is it customary and is it correct order for the business of the House of Representatives for the Chair to sequentially recognize only Members of the majority party time and time again, both to make an amendment, to take the position opposing that amendment, and then to offer the next amendment; is that regular order?

The Chairman Pro Tempore: Under the precedents the priority in this instance is with the committee members

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6. 129 Cong. Rec. 11068, 98th Cong. 1st Sess.

7. Nuclear weapons freeze.

to offer an amendment to the amendment.

§ 4.15 The proponent of an amendment may be recognized to control the time in opposition to a substitute offered therefor, but a Member of the committee reporting the bill has priority of recognition to control such time.

On May 4, 1983,(8) the Committee of the Whole having under consideration House Joint Resolution 13,(9) the Chair responded to a parliamentary inquiry regarding the circumstances described above. The proceedings were as indicated below:

Mr. [Norman D.] Dicks [of Washington]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Dicks as a substitute for the amendment offered by Mr. Levitas: In view of the matter proposed to be inserted, insert the following: "with negotiators proceeding immediately to pursuing reductions.". . . .

Mr. [Elliott H.] Levitas [of Georgia]: Mr. Chairman, I have a parliamentary inquiry. . . . [U]nder the rule if I am opposed to the amendment being offered as a substitute for my amendment, can I be recognized in opposition thereto? . . .

The Chairman:(10) . . . It is appropriate under the rules to offer an amendment. In terms of whom the Chair recognizes in opposition, the Chair would be inclined to recognize a member of the committee, if a member of the committee seeks recognition in opposition to the amendment.

If a committee member does not seek recognition for that purpose the Chair would be inclined to recognize the gentleman.

—Committee Chairman Opposed to Bill

§ 4.16 Where a special order governing consideration of a bill in Committee of the Whole provides that debate on each amendment be equally divided between the proponent and a Member opposed thereto, the Chairman of the Committee of the Whole will recognize the chairman of the committee managing the bill to control the time in opposition if he states he is opposed, and the Chair cannot question his qualifications to speak in opposition at a later time.

An example of the proposition described above occurred on May 4, 1983,(11) during consideration of

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8. 129 Cong. Rec. 11074, 98th Cong. 1st Sess.
9. Concerning a nuclear weapons freeze.
10. Matthew F. McHugh (N.Y.).
11. 129 Cong. Rec. 11066, 98th Cong. 1st Sess.

House Joint Resolution 13 (providing for a nuclear weapons freeze). The proceedings in the Committee of the Whole were as follows:

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I rise to comment and yield time. I am not necessarily at this point in opposition.

THE CHAIRMAN:(12) The gentleman from Wisconsin (Mr. Zablocki) rises in opposition to the amendment, and the gentleman is recognized for 15 minutes for purposes of debate only. . . .

MR. [JAMES A.] COURTER [of New York]: Mr. Chairman, will the gentleman yield to me for the purpose of making a parliamentary inquiry?

MR. ZABLOCKI: I yield to the gentleman from New Jersey for the purpose of making a parliamentary inquiry.

MR. COURTER: My parliamentary inquiry, Mr. Chairman, is as follows:

It is my understanding that the proponent of the amendment, the gentleman from Georgia (Mr. Levitas) is recognized for 15 minutes, and then someone could be recognized if they, in fact, oppose it.

The gentleman from Wisconsin (Mr. Zablocki) rose initially indicating that he was against the amendment, was recognized for 15 minutes, and during his monolog has indicated that, in fact, he is not opposed to it. Should he be recognized for the balance of his time?

THE CHAIRMAN PRO TEMPORE: The Chair cannot question the gentleman's qualifications. The Chair did ask the question if he rose in opposition to the amendment, and the Chairman so stated. Therefore, he controls the time.

—Special Rule Permitting Only Pro Forma Amendments

§ 4.17 Where the Committee of the Whole resumed consideration of a bill under a special rule prohibiting amendments to a pending amendment except pro forma amendments for debate, the Chair announced that he would first recognize Members who had not offered pro forma amendments on the preceding day, priority of recognition being given to members of the reporting committee.

On Aug. 3, 1977,(13) the Committee of the Whole having under consideration H.R. 8444, the National Energy Act, the Chair made a statement pertaining to the recognition of Members to offer pro forma amendments, as indicated below:

THE CHAIRMAN:(14) The Chair would like to make a statement for the information of the Members of the Committee of the Whole.

The Chair has before it a list of those who spoke on this amendment yesterday. The Chair will recognize those who have not spoken on this amendment first and, of course, preference will be given to the members of the ad hoc committee and any Member, of course, under the rule has

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12. Matthew F. McHugh (N.Y.).

13. 123 CONG. REC. 26444, 95th Cong. 1st Sess.

14. Edward P. Boland (Mass.).

the right to offer pro forma amendments. The Chair will adhere to that direction.

The gentleman from Michigan (Mr. Dingell) did not speak on this amendment yesterday, so as a member of the ad hoc committee, for what purpose does the gentleman from Michigan (Mr. Dingell) rise?

MR. [JOHN D.] DINGELL Mr. Chairman, I move to strike the last word.

Majority or Minority Member of Committee

§ 4.18 In recognizing Members to offer amendments in the Committee of the Whole, the Chair gives preference to members of the committee which reported the measure and it is within his discretion as to whether he will first recognize a majority or minority member of such committee.

On June 4, 1948,(15) the following proceedings took place:

MR. [EVERETT M.] DIRKSEN [of Illinois]: Mr. Chairman, I offer an amendment. . . .

THE CHAIRMAN:(16) The Clerk will report the amendment.

MR. [CLARENCE] CANNON [of Missouri]: The minority is entitled to recognition to move to amend the bill.

THE CHAIRMAN: Under the rules of the House, any member of the committee may offer an amendment, and it is in the discretion of the Chair as to which member shall be recognized. The Chair has recognized the gentleman from Illinois to offer an amendment, which the Clerk will report.

§ 4.19 While recognition of Members to offer amendments is within the Chair's discretion and cannot be challenged on a point of order, the Chair under the precedents alternates recognition between majority and minority members of the committee reporting the bill.

On June 11, 1976,(17) the Committee of the Whole having under consideration H.R. 6218, the Outer Continental Shelf Act, the following proceedings occurred:

THE CHAIRMAN:(18) The Clerk will read title II. . . .

MR. [JOHN M.] MURPHY of New York: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Murphy of New York: On page 59, lines 12 to 20, strike paragraphs 5(a) (6), (7), and (8) and renumber subsequent paragraphs accordingly.

POINT OF ORDER

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state his point of order.

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15. 94 CONG. REC. 7189, 80th Cong. 2d Sess. Under consideration was H.R. 6801, a foreign aid appropriation bill.
16. W. Sterling Cole (N.Y.).
17. 122 CONG. REC. 17754, 17764, 17773, 94th Cong. 2d Sess.
18. William H. Natcher (Ky.).

Mr. Fish: Mr. Chairman, the minority has amendments to offer, including a substitute amendment to title II. It is my understanding that the minority would have its turn at the same time as the majority in considering the amendments.

The Chairman: The Chair would advise the gentleman from New York (Mr. Fish) that that would not come under the category of a point of order; but the Chair would further advise the gentleman from New York (Mr. Fish) that since the gentleman has raised the point, the Chair will alternate from side to side.

The Chair now recognizes the gentleman from New York (Mr. Murphy). . . .

The question is on the amendment offered by the gentleman from New York (Mr. Murphy).

The amendment was agreed to.

Mr. Fish: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Fish: Page 45, strike out line 1 and all that follows through page 122, line 4, and insert in lieu thereof the following:
>
> Title II—Improved Management of Outer Continental Shelf Energy Resources
>
> Sec. 201. (a) Paragraph (c) of section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended to read as follows: . . .

Mr. [Abraham] Kazen [Jr., of Texas]: Is this a complete substitute for title II?

Mr. Fish: No; it is not.

Mr. Kazen: What is it?

Mr. Fish: It embraces a great deal of title II; on some it does not and on some it lets matters stand, such as the section on limitation of exports, for example. During the course of my explanation, I think the gentleman will understand that we have incorporated a good deal of title II and have added additional material.

Mr. Kazen: All I wanted to find out is whether it is a substitute for title II?

Mr. Fish: Technically, it is not a substitute.

Parliamentarian's Note: Under the rule, the committee amendment in the nature of a substitute was being read by title. The Fish amendment to title II was a perfecting amendment since it left one or two sections of that title unamended, and was intentionally drafted in that form to permit its consideration prior to adoption of all the Murphy perfecting amendments to that title.

Where Debate Time Limited, Chair Uses Discretion in Recognition

§ 4.20 The time for debate having been fixed on amendments to a committee substitute, the Chair may recognize the same committee member in opposition to each amendment offered where no other member of the committee seeks such recognition.

On Feb. 8, 1950,[19] during consideration of H.R. 2945, a bill to adjust postal rates, a motion was made to close debate:

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[19] 96 Cong. Rec. 1690, 1691, 81st Cong. 2d Sess.

Mr. [Thomas J.] Murray of Tennessee: Mr. Chairman, I move that all debate on the committee substitute and all amendments thereto close in 20 minutes.

[The motion was agreed to.]

The Chairman:(20) The Chair will announce that Members who have amendments at the desk will be recognized for 1 minute in support of their amendment and the committee will be recognized for 1 minute in opposition to each amendment.

After amendments were offered, and Mr. Murray had been recognized in opposition to each amendment, a parliamentary inquiry was made, as follows:

Mr. [Francis H.] Case of South Dakota: Under what precedent or ruling is the Chair recognizing a certain member of the committee for 1 minute in opposition to each amendment being offered? That was not included in the motion. . . .

The Chairman: The Chair is trying to be fair in the conduct of the committee, and the only gentleman that has arisen on the opposite side has been the gentleman from Tennessee [Mr. Murray]. There was no point of order raised at the time that I announced that I would recognize the committee for 1 minute in rebuttal to each amendment. . . .

Mr. Case of South Dakota: . . . [O]rdinarily, under the precedents always followed in the House, when time is closed on amendments, the time is divided among those who are seeking to offer amendments, and unless the motion specifically reserves time to the committee, it has been the precedent to divide the time among those who are seeking to offer amendments.

The Chairman: The Chair feels that the committee is entitled to a rebuttal on any amendment that is offered, and has so announced, and there was no point of order made at the time. The Chair sustains its present position.

§ 4.21 Priority of recognition under a limitation of time for debate under the five-minute rule is in the complete discretion of the Chair, who may disregard committee seniority and consider amendment sponsorship.

An example of the situation described above occurred on June 26, 1979,(1) during consideration of H.R. 3930(2) in the Committee of the Whole. The proceedings were as follows:

Mr. [William S.] Moorhead of Pennsylvania: Mr. Chairman, I move that all debate on section 3 and all amendments thereto cease at 6:40 p.m.

The question was taken; and on a division (demanded by Mr. Rousselot) there were—ayes 43, noes 33. . . .

The Chairman:(3) . . . The Committee has just voted to end all debate on section 3 and all amendments thereto at 6:40. The Chair in a moment is going to ask those Members wishing to speak between now and then to stand. The Chair will advise Members that he will attempt, once that list is determined, to recognize first those Members on the list with amendments which are not protected by having been printed in the Record.

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(20). Chet Holifield (Calif.).

(1). 125 Cong. Rec. 16677, 16678, 96th Cong. 1st Sess.

(2). Defense Production Act Amendments of 1979.

(3). Gerry E. Studds (Mass.).

The Chair would ask those Members wishing to be recognized in the remaining 20 minutes to stand. . . .

Mr. [Clarence J.] Brown of Ohio: Mr. Chairman, did I understand the Chair correctly that Members who are protected by having their amendments printed in the Record will not be recognized until the time has run so that those Members will only have 5 minutes to present their amendments, but that other Members will be recognized first for the amendments which are not printed in the Record?

The Chairman: Those Members who are recognized prior to the expiration of time have approximately 20 seconds to present their amendments. Those Members whose amendments are printed in the Record will have a guaranteed 5 minutes after time has expired. . . .

Mr. Brown of Ohio: In what way does that protect Members by having their amendments then printed in the Record? It would seem to me they are penalized by having their time limited to 5 minutes and the other time goes ahead and runs in terms of general debate.

The Chairman: The Chair will advise the gentleman that Members do not need and are not required to seek their protection for debate on the amendment under the rules, but if they do not they will be recognized for at most 20 seconds instead of 5 minutes. . . .

The Chairman: . . . The Chair will now recognize those Members who wish to offer amendments which have not been printed in the Record.

The Chair will advise Members he will recognize listed Members in opposition to the amendments also for 20 seconds.

Mr. [Richard] Kelly [of Florida]: Mr. Chairman, I have a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Kelly: Mr. Chairman, is it not regular order that the Members of the Committee with amendments be given preference and recognition?

The Chairman: The Chair would advise the gentleman once the limitation of time has been agreed to and time divided, that priority of recognition is within the complete discretion of the Chair.

§ 4.22 Where there was pending an amendment in the nature of a substitute for a bill and amendments thereto, the Chair indicated in response to parliamentary inquiries that a motion to limit debate on the amendment in the nature of a substitute and all amendments thereto was in order although the bill itself had not been read, and that all Members would be allocated equal time under the limitation regardless of committee membership but that Mem-

bers seeking to offer amendments could be first recognized.

On June 10, 1976,[4] the Committee of the Whole had under consideration H.R. 13367,[5] with an amendment in the nature of a substitute and amendments thereto pending, when a motion was offered to limit debate, as described above. The proceedings were as follows:

MR. [FRANK] HORTON [of New York]: Mr. Chairman, I move that all debate on the Brooks amendment and all amendments thereto end by 6 p.m. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, is there any reason for the Clerk to read? I do not remember the bill being open at any point to amendment.

THE CHAIRMAN:[6] The motion of the gentleman from New York, as the Chair understood it, was that all debate on the Brooks amendment and all amendments thereto end at 6 p.m.

MR. BAUMAN: So that the motion is in order?

THE CHAIRMAN: The motion is in order. It is limited to the Brooks amendment and amendments thereto. . . .

MR. [J. J.] PICKLE [of Texas]: Mr. Chairman, under the proposed time limitation, would the Chair tend to recognize a Member who is not a member of the committee? For instance, the gentleman from Washington (Mr. Adams) has an important amendment, and if he is not recognized within the time limitation, would the chairman of the committee let the gentleman be recognized? . . .

THE CHAIRMAN: The Chair will state that under limitation of time committee members no longer have priority in seeking recognition. Time is equally allocated.

So the motion was agreed to.

THE CHAIRMAN: . . . The Chair would ask that Members with amendments to be offered seek recognition first, and the Chair would request that Members attempt to address themselves to the amendments.

§ 4.23 In allocating time under a limitation on debate under the five-minute rule, the Chairman of the Committee of the Whole may in his discretion recognize first those Members wishing to offer amendments after having equally divided the time among all Members desiring to speak.

On Nov. 18, 1981,[7] during consideration of H.R. 4995[8] in the Committee of the Whole, the situation described above occurred as follows:

MR. [JOSEPH P.] ADDABBO [of New York]: Mr. Chairman, there are about nine amendments at the desk. I have looked at those amendments. The committee will be accepting at least six or seven of them. There are only two or three that may be slightly controversial and subject to some slight debate.

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[4] 122 CONG. REC. 17380, 17381, 94th Cong. 2d Sess.

[5] A bill to amend and extend the State and Local Fiscal Assistance Act of 1972.

[6] Gerry E. Studds (Mass.).

[7] 127 CONG. REC. 28074, 97th Cong. 1st Sess.

[8] Department of Defense appropriation bill, fiscal year 1982.

I would therefore believe that we can finish this bill tonight and not be burdened with it tomorrow because I know full well if we come in tomorrow, we will be using a whole day for what can be completed in approximately half an hour here tonight.

Mr. Chairman, I ask unanimous consent that all debate on this bill and all amendments thereto end at 9:30 p.m.

The Chairman:(9) Is there objection to the request of the gentleman from New York?

There was no objection.

The Chairman: Members standing at the time the unanimous consent request was agreed to will be recognized for 1 minute each.

The Chair will recognize first those Members who have amendments.

§ 4.24 Where debate on an amendment has been limited and equally divided between the proponent and a Member opposed, and the Chair has recognized the only Member seeking recognition in opposition to the amendment, no objection lies against that Member subsequently yielding back all the time in opposition.

On May 4, 1983,(10) the situation described above was demonstrated during consideration of House Joint Resolution 13 (concerning a nuclear weapons freeze) in the Committee of the Whole. The proceedings were as follows:

Mr. [William S.] Broomfield [of Michigan]: Mr. Chairman, I rise in opposition to the amendment.

The Chairman:(11) The gentleman is recognized for 15 minutes in opposition to the amendment, for purposes of debate only.

Mr. Broomfield: Mr. Chairman, I yield back the balance of my time.

Mr. [Henry J.] Hyde [of Illinois]: Mr. Chairman, I yield back the balance of my time and request a vote.

Mr. [Clement J.] Zablocki [of Wisconsin]: Mr. Chairman, we have 15 minutes in order to oppose the amendment?

The Chairman: No one stood up on that side of the aisle, and the gentleman from Michigan (Mr. Broomfield) represented to the Chair that he opposed the amendment and was recognized for 15 minutes in opposition, and he yielded back the balance of his time, as did the gentleman form Illinois (Mr. Hyde).

Mr. [Les] AuCoin [of Oregon]: Mr. Chairman, I have a parliamentary inquiry.

The Chairman: The gentleman will state it?

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9. Dan Rostenkowski (Ill.).

10. 129 Cong. Rec. 11078, 98th Cong. 1st Sess.

11. Matthew F. McHugh (N.Y.).

MR. AUCOIN: Mr. Chairman, my inquiry is this: This side, which opposes the amendment, has been foreclosed an opportunity, not on this amendment but on the previous amendment, to have 15 minutes in opposition to the amendment because a Member on that side who voted against an amendment that was hostile to the exact amendment said he was opposed to it.

My parliamentary inquiry is, Mr. Chairman, is that in order?

THE CHAIRMAN: As the Chair previously explained, no one on the majority side of the aisle rose in opposition to that amendment. The Chair looked to the other side of the aisle and the gentleman from Michigan (Mr. Broomfield) rose, represented that he was in opposition to the amendment and was recognized. The Chair has previously made that statement.

Parliamentarian's Note: Had another Member also been seeking to control time in opposition at the time the first Member was recognized and yielded back his time, the Chair would have allocated the time to that Member so that it could have been utilized.

§ 4.25 Where debate under the five-minute rule on a bill and all amendments thereto has been limited by motion to a time certain, the Chair may in his discretion continue to recognize Members under the five-minute rule according priority to members of the committee reporting the bill, instead of allocating time between proponents and opponents or among all Members standing, where it cannot be determined what amendments will be offered.

On July 29, 1983,(12) the Committee of the Whole having under consideration H.R. 2957,(13) the Chair responded to several parliamentary inquiries regarding the circumstances described above. The proceedings were as indicated below:

MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: Mr. Chairman, I ask unanimous consent that the remainder of the bill, H.R. 2957, be considered as read, printed in the Record, and open to amendment at any point.

THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The text of title IV and title V is as follows:

TITLE IV—INTERNATIONAL LENDING SUPERVISION . . .

MR. ST GERMAIN: I have a motion, Mr. Chairman. . . .

I now move that all debate on the bill, H.R. 2957, and all amendments thereto, cease at 12 o'clock noon.

THE CHAIRMAN:(14) The question is on the motion offered by the gentle-

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12. 129 CONG. REC. 21649, 21659, 21660, 98th Cong. 1st Sess.
13. The International Monetary Fund Authorization.
14. Donald J. Pease (Ohio).

man from Rhode Island (Mr. St Germain). . . .

Mr. [Ed] Bethune [of Arkansas]: Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic devise, and there were—ayes 242, noes 145, not voting 46, as follows. . . .

Mr. [George W.] Gekas [of Pennsylvania]: Mr. Chairman, I move to strike the last word.

The Chairman: The gentleman from Pennsylvania (Mr. Gekas) is recognized for 5 minutes.

Mr. Bethune: Mr. Chairman, a parliamentary inquiry. . . .

Mr. Gekas: I yield to the gentleman from Arkansas (Mr. Bethune).

Mr. Bethune: Mr. Chairman, a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Bethune: Mr. Chairman, the parliamentary inquiry is for the Chair to please state the process by which we will do our business from now until the time is cut off.

The Chairman: For the time being, the Chair intends to proceed under the 5-minute rule. . . .

Mr. [Stephen L.] Neal [of North Carolina]: Mr. Chairman, would it not be in order at this time to ask that the time be divided between the proponents and the opponents of this measure, since there is a limitation on the time?

The Chairman: The Chair believes not, because the time has been limited on the entire bill. It would be very difficult to allocate time to any one particular party or two parties when the Chair has no knowledge of the amendments that will be offered. . . .

Mr. Neal: Mr. Chairman, is it not true that members of the committee should be given preference in terms of recognition?

The Chairman: That is true. At the time the gentleman from Pennsylvania was recognized, he was the only one seeking recognition.

—Amendment Not Covered by Limitation

§ 4.26 Where debate has been limited on a pending section and all amendments thereto and time allocated among those Members desiring to offer amendments to that section, the Chair may decline to recognize a Member to offer an amendment adding a new section and therefore not covered by the limitation, until perfecting amendments to the pending section have been disposed of under the limitation.

On June 26, 1979,(15) the Committee of the Whole having under consideration H.R. 3930,(16) the above-stated proposition was illustrated as indicated below:

Amendment offered by Mr. Udall: Page 8, after line 13 add the following new section and renumber the subsequent sections accordingly:

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15. 125 Cong. Rec. 16679, 16680, 96th Cong. 1st Sess.
16. Defense Production Act Amendments of 1979.

Sec. 4. The Secretary of Energy is hereby authorized to designate a proposed synthetic fuel or feedstock facility as a priority synthetic project pursuant to the procedures and criteria provided in this section.

(2) For the purposes of this section the term—

(A) Synthetic fuel or feedstock facility means any physical structure, including any. . . .

Mr. [Clarence J.] Brown of Ohio (during the reading): Mr. Chairman, a point of order.

The Chairman:[17] The gentleman will state it.

Mr. Brown of Ohio: Mr. Chairman, is this amendment to section 3 or section 4?

Mr. [Morris K.] Udall [of Arizona]: This is an amendment to section 3, the Udall fast-track amendment, which cuts through the redtape.

Mr. Brown of Ohio: The copy I have indicates that it is to section 4, Mr. Chairman. Is that correct?

Mr. Udall: I had modified it to apply to section 3.

The Chairman: The Clerk will cease reading the amendment.

The Chair will advise the gentleman from Arizona that this amendment currently being read adds a new section 4, and is not covered by the limitation on time, and should not be offered at this time.

Mr. Brown of Ohio: Mr. Chairman, a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Brown of Ohio: Mr. Chairman, if I understand correctly, the gentleman was recognized on the basis that the amendment had not been printed in the Record, and therefore it would not be appropriate under this limitation for it to be considered at all, is that not correct?

Mr. Udall: I had intended—I had so instructed the Clerk to change this to an amendment to section 3, not section 4.

The Chairman: The amendment, the Chair states to the gentleman, would have to be submitted to the Clerk.

Mr. Brown of Ohio: My point of order is sustained or—

The Chairman: Yes. The Chair will advise the gentleman from Arizona that he is within his rights to redraft the amendment as an amendment to section 3, but the Chair understood that is not the amendment currently being read.

Mr. Udall: I so offer it as an amendment to section 3.

The Chairman: The Clerk will report the amendment.

Amendments Sent to the Desk; Necessity of Recognition

§ 4.27 Members must be in the Chamber and offer their amendments from the floor at the proper point in the bill as it is read; it is not sufficient to merely place such amendments on the Clerk's desk.

On Apr. 1, 1947,[18] the following proceedings took place:

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[17] Gerry E. Studds (Mass.).

[18] 93 Cong. Rec. 2987, 80th Cong. 1st Sess. Under consideration was H.R. 2849, the deficiency appropriation bill for 1947.

Amendment offered by Mr. [Sam] Hobbs [of Alabama]: On page 46, between lines 8 and 9 insert as follows: . . .

Mr. [John] Taber [of New York]: Mr. Chairman, the amendment comes too late. The Clerk has read beyond that point. . . .

Mr. [Francis E.] Walter [of Pennsylvania]: Mr. Chairman, as I understand it this amendment was on the Clerk's desk and the fact it was not reported was due to the Clerk's failing to see the amendment. The parliamentary inquiry is: Does it come too late when the amendment was on the desk?

The Chairman:(19) The gentleman from Alabama was not present to protect his rights and the Clerk continued to read beyond the point where the amendment should properly have been offered.

Similarly, on Sept. 5, 1940,(20) the following exchange took place:

Mr. [John E.] Miller [of Arkansas]: Can the Chair tell us how many proposed amendments there are?

The Chairman:(1) The Chair is unable to tell because the Chair does not recognize amendments sent to the desk. Of course, under the rules of the House, Members must offer amendments from the floor. However, the Chair is informed that there are quite a number of amendments.

Consideration of Committee Amendments

§ 4.28 Where a resolution is considered in the House, committee amendments to the body of the resolution and printed therein may be reported and acted on before the Member calling up the resolution is recognized for debate thereon.

On June 8, 1970,(2) the sequence of actions in the House was as follows:

The Speaker:(3) . . . The Chair was about to instruct the Clerk to report the committee amendments after the original resolution had been read. . . .

The committee amendment was agreed to.

The Speaker: The gentleman from Tennessee (Mr. Anderson) is recognized for 1 hour.(4)

§ 4.29 Perfecting committee amendments to a resolution reported from the Committee on Rules may be considered before the Member calling up the resolution is recognized to control debate thereon where there is no controversy on the committee amendments.

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19. George A. Dondero (Mich.).
20. 83 Cong. Rec. 10665, 75th Cong. 3d Sess. Under consideration was H.R. 10132, a bill relating to compulsory military training and service.
1. Lindsay C. Warren (N.C.).
2. 116 Cong. Rec. 18656–58, 91st Cong. 2d Sess. Under consideration was H. Res. 976 (Committee on Rules).
3. John W. McCormack (Mass.).
4. Mr. William R. Anderson had called up the resolution for consideration.

On Mar. 9, 1971,(5) the sequence of actions in the House was as follows:

> Mr. [John A.] Young of Texas: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 115 and ask for its immediate consideration.
>
> The Clerk read the resolution as follows:
>
> H. Res. 115
>
> *Resolved,* That, effective January 3, 1971, there is hereby created a select committee. . . .
>
> With the following committee amendments:
>
> On page 1, line 2, strike the word "seven" and insert in lieu thereof the word "eleven". . . .
>
> The committee amendments were agreed to.
>
> The Speaker:(6) The gentleman from Texas is recognized for one hour.

Seniority, Not Order in Paragraph, Basis for Recognition for Amendment

§ 4.30 The order in which amendments may be offered to a pending paragraph is not determined by the sequence of lines to which the amendments may relate; for when a paragraph is open to amendment at any point, the order in which the Chair recognizes Members to offer amendments is dictated by the committee rank of those seeking recognition and not by the text of their amendments.

On July 23, 1970,(7) the following discussion took place with respect to the order in which Members would be recognized to offer amendments:

> Mr. [Charles R.] Jonas [of North Carolina]: May I respectfully remind the Chair that I was recognized, and that the Chair allowed a point of order to intervene only, and I had been recognized. . . .
>
> The Chairman:(8) The Chair respectfully states that the point of order did intervene following the gentleman's recognition. The Chair intends to recognize members of the committee in the order of their seniority. . . .
>
> Mr. Jonas: I respectfully ask the Chair to rule that my amendment does precede the amendment that will be offered by the gentleman from Texas. My amendment goes to line 5, page 38, and my information is that the amendment to be offered by the gentleman from Texas comes at a later point in the paragraph.

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5. 117 Cong. Rec. 5587, 5588, 92d Cong. 1st Sess. Under consideration was H. Res. 115 (Committee on Rules), creating a select committee to investigate crime.
6. Carl Albert (Okla.).
7. 116 Cong. Rec. 25635, 91st Cong. 2d Sess. Under consideration was H.R. 18515 (Committee on Appropriations), relating to appropriations for the Departments of Labor and Health, Education, and Welfare for fiscal 1971.
8. Chet Holifield (Calif.).

THE CHAIRMAN: A whole paragraph is open to amendment at the same time. Therefore, the line does not determine the order of the amendment.(9)

§ 4.31 The Chairman may announce that he will first recognize members of the committee reporting the bill in order of seniority thereon, alternating between majority and minority sides, to offer amendments.

On Dec. 12, 1973,(10) where a bill(11) was being considered in the Committee of the Whole under a special procedure making in order the text of another bill as an amendment in the nature of a substitute immediately after the reading of the enacting clause, but not providing for reading of the substitute as an original bill for amendment, the Chairman(12) indicated that the entire amendment in the nature of a substitute would be read and then open to amendment at any point, and that he would first recognize members of the committee reporting the bill in order of seniority, alternating between the majority and minority sides, to offer amendments.

Alternation of Recognition Not Mandated

§ 4.32 Recognition to offer amendments is first extended to the manager of a bill; and the fact that the Committee of the Whole has just completed consideration of one amendment offered by the manager does not preclude his being recognized to offer another.

On Apr. 6, 1967,(13) the following exchange took place concerning the priority of recognition to offer amendments:

MR. [ROBERT W.] KASTENMEIER [of Wisconsin]: Mr. Chairman, I offer an amendment.

MR. [BYRON G.] ROGERS of Colorado: Mr. Chairman, a point of order.

THE CHAIRMAN:(14) The gentleman will state it.

MR. ROGERS of Colorado: The gentleman from Wisconsin just offered an amendment, and certainly I as a member of the committee ought to

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9. Compare 109 CONG. REC. 20368, 20370, 88th Cong. 1st Sess., Oct. 28, 1963, where the Chairman of the Committee on Rules called up a resolution reported by his committee and then yielded to another Member to offer an amendment.

10. 119 CONG. REC. 41105, 41106, 41110, 93d Cong. 1st Sess.

11. H.R. 11450 (Committee on Interstate and Foreign Commerce), the Energy Emergency Act.

12. Richard Bolling (Mo.).

13. 113 CONG. REC. 8617, 8618, 90th Cong. 1st Sess. Under consideration was H.R. 2512 (Committee on the Judiciary), relating to revision of the copyright laws.

14. John H. Dent (Pa.).

have the privilege of offering an amendment.

The Chairman: The gentleman from Wisconsin is manager of the bill. The Chair recognizes the gentleman from Wisconsin.

Order of Consideration; Priority of Committee Amendments Over Amendments From Floor

§ 4.33 Perfecting committee amendments to the section or paragraph under consideration are disposed of before amendments from the floor are considered.

On Apr. 25, 1963,(15) a parliamentary inquiry was made with respect to the precedence of committee amendments.

Mr. [Robert H.] Michel [of Illinois]: Mr. Chairman, a parliamentary inquiry. . . .

Are we to have all of the committee amendments adopted before any amendments are to be accepted by the Committee?

The Chairman:(16) The Chair will state that that is the usual procedure.

§ 4.34 Where a bill is considered as read and open for amendment at any point, committee amendments are considered before the Chair extends recognition for amendments from the floor.

On July 18, 1968,(17) the sequence of actions taken with respect to the Foreign Assistance Act of 1968(18) was as follows:

Mr. [Thomas E.] Morgan [of Pennsylvania]: Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point. . . .

There was no objection. . . .

The Chairman:(19) The Clerk will report the next committee amendment.

The Clerk read as follows: . . .

The Chairman: The question is on the committee amendment on page 9, after line 17.

Mr. [Dante B.] Fascell [of Florida]: Mr. Chairman, I ask unanimous consent that all the committee amendments be considered en bloc.

The Chair further advised, in response to a parliamentary inquiry, that when committee amendments are being considered en bloc, it is in order to offer amendments to the committee amendments. After several such amendments had been so offered and considered, and the committee amendments voted on, the Chair extended recognition for

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15. 109 Cong. Rec. 7139, 88th Cong. 1st Sess. Under consideration was H.R. 4997 (Committee on Agriculture), the Feed Grain Act of 1963.
16. James C. Wright, Jr. (Tex.).
17. 114 Cong. Rec. 22094, 22095, 22108, 22109, 90th Cong. 2d Sess.
18. H.R. 15263 (Committee on Foreign Affairs).
19. Charles M. Price (Ill.).

amendments to the bill that were offered from the floor.

Bill Considered Under Special Rule—Where Amendment in Nature of Substitute Is Open for Amendment at Any Point

§ 4.35 Where a bill is being considered in the Committee of the Whole under a special order making in order the text of another bill as an amendment in the nature of a substitute, the Chairman may announce that recognition to offer an amendment to said substitute will be governed by the precedents relating to recognition where the special order does not specify priorities with respect thereto.

On Dec. 12, 1973,[20] the following discussion arose with respect to the procedure for offering amendments:

Mr. [James T.] Broyhill of North Carolina: Mr. Chairman, I have an amendment to section 103.

The Chairman:[1] The Chair feels that the Chair should explain to the Committee that under the rule the whole of the text of H.R. 11882 will be read before any amendment is in order. It will not be read by sections....

Mr. Broyhill of North Carolina: Mr. Chairman, a further parliamentary inquiry, or perhaps this is not a parliamentary inquiry, but I would ask the Chairman if there is any way in which we can have an orderly procedure for the offering of amendments, starting at the first part of the amendment in the nature of a substitute, and going through the bill, rather than jumping all over the whole bill for amendment purposes?

The Chairman: The Chair will state that the Chair, with the cooperation of the Members, will attempt to achieve that purpose. The Chair will say that if permitted by the Membership to do so, that the Chair proposes to bring order into the situation by following the usual custom of recognizing the Members of the committee alternately from one side to the other, more or less in their order on the committee. . . .

Mr. [Jonathan B.] Bingham [of New York]: Mr. Chairman, I have a further parliamentary inquiry. If the Chair is advised that nonmembers of the committee have amendments to early sections, would he be free to recognize nonmembers of the committee before recognizing other members of the committee for amendments to a later section?

The Chairman: The custom of the House, and the almost unfailing custom of the House, is to recognize members of the committee, alternating sides from the majority to the minority. The Chair does not propose to discuss the philosophy of that custom, but that is the custom. . . .

Mr. [Clarence J.] Brown of Ohio: Mr. Chairman, reserving the right to object, I should like to inquire, if the request of the gentleman is accepted and there is no objection to it, when it would be timely for the amendment made in order by the rule to the text of the substitute to be offered, that amendment being H.R. 11891, which would be the amendment, as the rule prescribes, to H.R. 11882?

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[20] 119 Cong. Rec. 41153, 41154, 93d Cong. 1st Sess. Under consideration was H.R. 11450 (Committee on Interstate and Foreign Commerce), the Energy Emergency Act.

[1] Richard Bolling (Mo.).

THE CHAIRMAN: The Chair would repeat what the Chair has already said. The Chair would recognize Members to offer amendments as they are reached in the customary procedure of the House.

There is no particular priority, there is no special priority given to that amendment but the gentleman is a member of the committee and he ranks on the committee and the Chair would seek to reach him in an orderly fashion.

—Inquiry by Chair as to Whether Amendment In Order Under Rule

§ 4.36 Where the Committee of the Whole was considering a bill pursuant to a "modified closed" rule permitting only designated amendments to be offered, the Chair inquired of a Member seeking recognition to offer an amendment whether his amendment had been made in order under the rule before recognizing him to offer the amendment.

On Aug. 3, 1977,(2) the Committee of the Whole was considering H.R. 8444, the National Energy Act. When a Member sought recognition to offer an amendment, the proceedings, described above, were as follows:

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, I offer an amendment.

THE CHAIRMAN PRO TEMPORE:(3) The Chair would like to inquire of the gentleman from Ohio if this is an amendment permissible under the rule and made in order under the rule?

MR. BROWN of Ohio: This is authorized under the rule and has been assigned to the gentleman from Ohio (Mr. Brown) to offer at this point.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, two things. I reserve all necessary points of order and, second, I inquire, has the unanimous-consent request been made for the dispensation of the reading of the amendment? I am not making that request.

THE CHAIRMAN:(4) The Clerk will first have to report the amendment and then the gentleman's request will be in order.

The Clerk will report the amendment.

Rule Requiring Printing of Amendments in Record

§ 4.37 Where a special rule restricts the offering of amendments to those printed in the Congressional Record but does not specify the Members who must offer them, the right to

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2. 123 CONG. REC. 26447, 26448, 95th Cong. 1st Sess.

3. William H. Natcher (Ky.).

4. Edward P. Boland (Mass.).

propose amendments properly inserted in the Record inures to all Members.

The proceedings of Mar. 26, 1974,[5] were as follows:

THE CHAIRMAN:[6] . . . Under the rule, no amendment shall be in order to title I of the substitute committee amendment printed in the reported bill except germane amendments which have been printed in the Congressional Record at least 2 calendar days prior to their being offered during the consideration of said substitute for amendment, and amendment offered by direction of the Committee on Education and Labor, and neither of said classes of amendments shall be subject to amendment.

Pursuant to the rule, the Clerk will now read by titles the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows: . . .

TITLE I—AMENDMENTS OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

EXTENSION OF TITLE I PROGRAMS

Sec. 101. Section 102 of title I of the Elementary and Secondary Education Act of 1965 (hereinafter referred to as "the Act") is amended (1) by striking out "for grants to local educational agencies". . . .

MR. [CARL D.] PERKINS [of Kentucky] (during the reading): Mr. Chairman, I ask unanimous consent that further reading of title I be dispensed with, that it be printed in the Record, and open to amendment at any point.

THE CHAIRMAN: Is there objection to the request of the gentleman from Kentucky?

There was no objection.

MR. PERKINS: Mr. Chairman, I move to strike the requisite number of words.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I make a point of order. Under the rule the motion is not in order unless he has printed the motion in the Record.

THE CHAIRMAN: The Chair overrules the point of order. The amendment offered by the gentleman from Kentucky was printed in the Record.

MR. BAUMAN: Mr. Chairman, I submit to the Committee that the motion I heard was to strike out the requisite number of words. If the gentleman from Kentucky has not had that motion printed in the Record, he is not entitled to 5 minutes under the rule.

THE CHAIRMAN: That amendment was printed in the Record.

MR. BAUMAN: Mr. Chairman, how many times does he get to use it?

THE CHAIRMAN: As many times as it is printed in the Record.

§ 4.38 Where a special order adopted by the House only requires that all amendments offered to a bill in Committee of the Whole be printed in the Record, any Member may offer

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[5] 120 CONG. REC. 8229, 8233, 8243, 93d Cong. 2d Sess. Under consideration was H.R. 69, to amend and extend the Elementary and Secondary Education Act.

[6] Melvin Price (Ill.).

any germane amendment printed in the Record, and there is no requirement that only the Member causing the amendment to be printed may offer it, unless the special order so specifies.

An example of the situation described above occurred on Oct. 31, 1979,(7) during consideration of H.R. 4985, the Priority Energy Projects Act of 1979. The proceedings were as follows:

> MR. [NICK J.] RAHALL [II, of West Virginia]: Mr. Chairman, I have an amendment that was printed in the Record.
>
> I also have an amendment by the gentleman from Michigan (Mr. Dingell) that was printed in the Record and through negotiations between the two of us, I am offering the amendment of the gentleman from Michigan (Mr. Dingell) at this point. . . .
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, do I understand that under this rule that governs the consideration of this bill that any Member can offer any amendment that was printed in the Record, no matter who the author of the amendment was?
>
> THE CHAIRMAN PRO TEMPORE:(8) The gentleman is correct. That is the correct interpretation.

Parliamentarian's Note: Who may offer a printed amendment under such a rule must be distinguished from who may offer a printed amendment under Rule XXIII clause 6 to be entitled to debate in Committee of the Whole; that rule specifically speaks to the Member who caused the amendment to be printed.

§ 4.39 The Chairman of the Committee of the Whole announced that, pursuant to a special order adopted by the House requiring perfecting amendments printed in the Record to be offered in a specified order, he would recognize a designated Member to offer his amendments in the intended order submitted for printing consistent with grouping of amendments to the budget resolution by subject matter, rather than in the order inadvertently printed in the Record.

It was demonstrated on May 24, 1982,(9) that where a special rule only permits the offering of amendments in the order printed in the Record, but the Record incorrectly prints certain amendments, the Chair has the prerogative of permitting the amendment

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7. 125 CONG. REC. 30441, 96th Cong. 1st Sess.

8. Norman D. Dicks (Wash.).

9. 128 CONG. REC. 11549, 97th Cong. 2d Sess.

to be offered in the form and order submitted for printing. The proceedings in the Committee of the Whole during consideration of House Concurrent Resolution 345 are indicated below:

THE CHAIRMAN:(10) Before the Chair entertains a motion for the Committee to rise, the Chair desires to make a statement relative to the order of the consideration of the perfecting amendments made in order by the House to the amendments in the nature of a substitute to be offered by Representatives Latta, Aspin, and Jones. As indicated by an insertion which will be made in today's Congressional Record by the chairman of the Committee on Rules, which was submitted for printing in the Congressional Record of May 21, but was omitted from that Record, it was the intent of the special order reported by the Committee on Rules and adopted by the House, House Resolution 477, to group the perfecting amendments in discrete subject matters and categories in order to fashion an orderly process for the consideration of the congressional budget.

The subject matter of revenues is to be considered first, followed by consideration of the defense budget. Due to a clerical error, the first perfecting amendment to be offered by Representative Jones, relating to revenues, was labeled No. 7 in the Congressional Record of May 21, and the second amendment to be offered by Representative Jones, relating to defense, was labeled No. 3 in the May 21 Congressional Record. The amendments were submitted in the proper order for printing in the Record and the Chair would therefore advise the Committee that those amendments will, if offered, be considered in the proper order, with Representative Jones' revenue amendment to be the third perfecting amendment made in order under the rule and Representative Jones' defense amendment to be the seventh perfecting amendment made in order under the rule. The Chair would also point out that the amendment by Representative Wolf, the 47th perfecting amendment made in order under the rule, was printed on page 2637 in the Congressional Record for May 21, but the Member's name was inadvertently omitted in the printing of the Record. The amendment, which will be reprinted in the Record of May 24, will be in order for consideration since it was properly submitted pursuant to the rule.

The Chair requests that Members bring to his attention any further errors that require correction in order that the Committee of the Whole may proceed in a fair and orderly fashion.

Priority of Motion To Strike Enacting Clause

§ 4.40 Under Rule XXIII clause 7, a motion to recommend that the enacting clause be stricken takes precedence over a motion to amend, and may be offered where another Member has been recognized to offer an amendment but prior to reading of the amendment by the Clerk.

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[10] Richard Bolling (Mo.).

On Apr. 23, 1975,(11) during consideration in the Committee of the Whole of a bill,(12) an amendment was offered and the following proceedings occurred:

The Clerk read as follows:

> Sec. 2. There is authorized to be appropriated to the President for the fiscal year 1975 not to exceed $150,000,000 to be used, notwithstanding any other provision of law, on such terms and conditions as the President may deem appropriate for humanitarian assistance to and evacuation programs from South Vietnam.

Mr. [Bob] Eckhardt [of Texas]: Mr. Chairman, I offer an amendment.

The Chairman:(13) The Clerk will read.

Mr. [Michael T.] Blouin [of Iowa]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Blouin moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken. . . .

Mr. [Joe D.] Waggonner [Jr., of Louisiana]: I recognize that the gentleman has a preferential motion, but is it not so that the Chair had recognized the gentleman from Texas to offer his amendment?

The Chairman: The Chair had recognized the gentleman from Texas, to offer an amendment but the preferential motion supersedes that amendment.

Mr. Waggonner: Even after the gentleman had been recognized to proceed? . . .

The Chairman: The gentleman had been recognized only for the purpose of finding out the reason for which he sought recognition. The gentleman stated that he had an amendment at the desk. The Chair asked the Clerk to report the amendment, and before the amendment was reported, a preferential motion was made.

Perfecting Amendment by Proponent of Motion To Strike

§ 4.41 A Member who has offered a motion to strike a section of a bill may not thereafter offer a perfecting amendment to that section while his motion to strike is pending.

On Sept. 29, 1975,(14) during consideration of a bill(15) in the Committee of the Whole, the Chair responded to parliamentary inquiries as described above. The proceedings were as follows:

Mr. [Edward J.] Derwinski [of Illinois]: Mr. Chairman, I will try to propound a proper parliamentary inquiry. . . .

. . . My original amendment was to strike section 2 in its entirety. We have just accepted striking from line

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11. 121 Cong. Rec. 11513, 94th Cong. 1st Sess.
12. H.R. 6096, Vietnam Humanitarian and Evacuation Assistance Act.
13. Otis G. Pike (N.Y.).
14. 121 Cong. Rec. 30772, 30773, 94th Cong. 1st Sess.
15. H.R. 8630, Postal Reorganization Act Amendments of 1975.

20, section 2, through line 6 on page 13. Is an amendment in order at this point to strike the remainder of that section?

THE CHAIRMAN:(16) The Chair will respond to the gentleman by saying that an amendment would be in order to strike so much of the section that was not amended by the gentleman from Arkansas' amendment.

MR. DERWINSKI: But obviously I am precluded at this point from offering an amendment to strike beginning on line 20, page 12.

THE CHAIRMAN: The Chair will state to the gentleman from Illinois that other Members would not be precluded from offering such an amendment.

Amendment Adding New Title

§ 4.42 The Chair may decline recognition to offer an amendment adding a new title to a bill until all amendments to the pending title have been disposed of.

On Mar. 16, 1978,(17) the Committee of the Whole having under consideration H.R. 50,(18) the above-stated proposition was illustrated as indicated below:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Bauman: On page 106 add the following new title:
>
> "TITLE V. . . .

THE CHAIRMAN PRO TEMPORE: Before the Chair would entertain this amendment, the Chair would like to know if there are other amendments to title IV?

MR. [CLARENCE] LONG of Maryland: Mr. Chairman, I wish to offer an amendment.

THE CHAIRMAN PRO TEMPORE: The Chair would like to advise the gentleman from Maryland (Mr. Bauman) if his amendment were accepted at this time it would cut off the additional amendments. Would the gentleman withhold? . . .

The Chairman would like to state to the gentleman that the Chair should have inquired of the gentleman from Maryland (Mr. Bauman) as to the nature of his amendment before extending recognition.

[Mr. Bauman withdrew his amendment by unanimous consent.]

§ 5. Permissible Pending Amendments

One Perfecting Amendment

§ 5.1 Only one perfecting amendment to the original text may be pending at a time.

The above principle is well established. Thus, on June 29, 1959,(19) during proceedings relat-

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16. Walter Flowers (Ala.).
17. 124 CONG. REC. 7333-36, 95th Cong. 2d Sess.
18. Full Employment and Balanced Growth Act of 1978.
19. 105 CONG. REC. 12122-24, 86th Cong. 1st Sess.

ing to a supplemental appropriation act,(20) the Chairman,(1) indicated in response to a parliamentary inquiry by Mr. Joel T. Broyhill, of Virginia, that Mr. Broyhill would be able to offer an amendment "After the disposition of the pending amendment."

On July 17, 1962,(2) the following exchange took place:

> Mr. [James E.] Van Zandt [of Pennsylvania]: Reserving the right to object, Mr. Chairman, it is my understanding now that the committee will offer two amendments to the bill. If that be the case, would it then be in order for me to offer a substitute amendment?
>
> The Chairman:(3) In the event that a member of the committee offers an amendment, a substitute would be in order.
>
> Mr. Van Zandt: Would that apply if the committee offers two amendments?
>
> The Chairman: The members of the committee can offer only one amendment at a time. Of course, a substitute would be in order in either case or to either amendment, or an amendment to the amendment would be in order.

§ 5.2 Where there is pending an amendment in the nature of a substitute and a perfecting amendment thereto, an amendment to or a substitute for the perfecting amendment is in the third degree and is not in order.

On Sept. 11, 1974,(4) during consideration in the Committee of the Whole of a bill,(5) the Chair responded to a parliamentary inquiry regarding an amendment as described above. The proceedings were as follows:

> Mr. [Philip E.] Ruppe [of Michigan]: Mr. Chairman, I have an amendment at the desk to the Kastenmeier amendment.
>
> Mr. [Mike] McCormack [of Washington]: Mr. Chairman, I make a point of order. . . .
>
> The Kastenmeier amendment is already in order as an amendment in the second degree, and this amendment would not be in order, would it? We have an amendment before us to a substitute.
>
> The Chairman Pro Tempore:(6) The Chair will advise the gentleman from Michigan that the amendment is not in order.
>
> Mr. Ruppe: Mr. Chairman, the point of order is not to the whole Udall substitute, which, under the rule, is to the bill that is being debated. Actually, it is not an amendment in terms as we

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For a discussion of permissible pending amendments and their disposition, see Rule XIX, *House Rules and Manual* § 822 (101st Cong.).

(20) H.R. 7978 (Committee on Appropriations).

(1) Paul J. Kilday (Tex.).

(2) 108 Cong. Rec. 13795, 87th Cong. 2d Sess.

(3) B. F. Sisk (Calif.).

(4) 120 Cong. Rec. 30650, 93d Cong. 2d Sess.

(5) H.R. 13565, the nonnuclear energy source research and development program.

(6) J. Edward Roush (Ind.).

would ordinarily think of it, but rather, to the vehicle by which we are allowing the legislation on the floor.

My understanding is that this would not be an amendment of the second order.

THE CHAIRMAN PRO TEMPORE: The Chair will advise the gentleman from Michigan that under the rule, the Udall amendment in the nature of a substitute is an amendment in the first degree. The amendment of the gentleman from Wisconsin (Mr. Kastenmeier) to the Udall amendment is an amendment in the second degree, and therefore an amendment to the amendment by the gentleman from Wisconsin would be in the third degree and is not in order. . . .

MR. RUPPE: Would it be possible, then, for me to offer this as a substitute?

THE CHAIRMAN PRO TEMPORE: In response to the gentleman's request, it would not be in order to offer the amendment as a substitute for the Kastenmeier amendment as it would still be an amendment in the third degree.

Amendments to Substitute

§ 5.3 A substitute for an amendment is subject to amendment.

On May 4, 1983,(7) the Committee of the Whole having under consideration House Joint Resolution 13, the Chair responded to a parliamentary inquiry concerning the circumstances described above. The proceedings were as indicated below:

MR. [NORMAN D.] DICKS [of Washington]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Dicks as a substitute for the amendment offered by Mr. Levitas: In view of the matter proposed to be inserted, insert the following: "with negotiators proceeding immediately to pursuing reductions.". . .

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I have a parliamentary inquiry. . . .

. . . Is the substitute open for amendment?

THE CHAIRMAN:(8) The answer to the [question] is the substitute is open for amendment.

§ 5.4 It is in order to offer a perfecting amendment to a substitute for a pending amendment.

On May 2, 1979,(9) the Committee of the Whole having under consideration House Concurrent Resolution 107,(10) the above-stated proposition was illustrated as indicated below:

MS. [ELIZABETH] HOLTZMAN [of New York]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

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7. 129 CONG. REC. 11074, 98th Cong. 1st Sess.
8. Matthew F. McHugh (N.Y.).
9. 125 CONG. REC. 9556, 9562, 9563, 96th Cong. 1st Sess.
10. The first concurrent resolution on the Budget, fiscal 1980.

> Amendment offered by Ms. Holtzman: In the matter relating to the appropriate level of total new budget authority decrease the amount by $8,113 million;
>
> In the matter relating to the appropriate level of total budget outlays decrease the amount by $2,705 million. . . .

Mr. Charles H. Wilson of California: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Charles H. Wilson of California as a substitute for the amendment offered by Ms. Holtzman: In the matter relating to National Defense for fiscal year 1980, strike out the amount specified for new budget authority and insert in lieu thereof "$137,808,000,000".
>
> In the matter relating to National Defense for fiscal year 1980, strike out the amount specified for outlays and insert in lieu thereof "$125,070,000,000". . . .

Mr. John L. Burton [of California]: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Chairman:(11) The Clerk will report the amendment to the amendment offered as a substitute. . . .

Mr. John L. Burton: My amendment is an amendment to the amendment offered by the gentleman from California (Mr. Charles H. Wilson) as a substitute for the amendment.

The Chairman: The gentleman from California (Mr. John L. Burton) is in order with an amendment to the substitute. . . .

> Amendment offered by Mr. John L. Burton to the amendment offered by Mr. Charles H. Wilson of California as a substitute for the amendment offered by Ms. Holtzman: Strike all after line 1 and insert:
>
> *Resolved by the House of Representatives (the Senate concurring),* That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1979—
>
> (1) the recommended level of Federal revenues is $510,800,000,000, and the amount by which the aggregate level of Federal revenues should be decreased is zero.

Disposition of Amendments Seriatim

§ 5.5 As soon as an amendment to an amendment is adopted or rejected another is in order seriatim until the amendment is perfected; and only after disposition of the amendment will further amendment of the bill be allowed.

On Feb. 4, 1946,(12) the following proceedings took place:

> **The Chairman:**(13) . . . The amendment now pending is the Landis

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11. William H. Natcher (Ky.).

12. 92 Cong. Rec. 848, 79th Cong. 2d Sess. Under consideration was H.R. 4908, a bill relating to investigation of labor disputes.

13. Emmet O'Neal (Ky.).

amendment, and the gentlemen are being recognized for pro forma amendments. . . .

MR. [JOSEPH P.] O'HARA [of Minnesota]: Mr. Chairman, I have an amendment which is not an amendment to the Landis amendment but to the Case bill. When will it be in order to offer my amendment?

THE CHAIRMAN: When the Landis amendment is disposed of the Case bill will be open to further amendment.

§ 5.6 Where there is pending an amendment and a substitute therefor, amendments consisting of the same text may be offered one at a time to the original amendment and to the substitute.

On July 23, 1974,(14) the Committee of the Whole having under consideration the bill, H.R. 11500, the Surface Mining Control and Reclamation Act of 1974, a parliamentary inquiry was addressed to the Chair and the proceedings were as follows:

MR. [KEN] HECHLER of West Virginia: If I were to offer an amendment to the Hosmer substitute it would then go down if the Hosmer substitute were defeated? As I understand the parliamentary situation, it would not be in order for me to offer amendments at this point to the Mink amendment.

THE CHAIRMAN:(15) Amendments to both the Mink amendment and to the Hosmer substitute are in order. . . .

MR. [CRAIG] HOSMER [of California]: But could the same amendment be offered to the Hosmer substitute, as well as the Mink substitute?

THE CHAIRMAN: One could be offered and then the other.

MR. HOSMER: They could be offered simultaneously at the same time?

THE CHAIRMAN: They could be pending simultaneously.

§ 5.7 Only one amendment to a pending amendment may be pending at one time.

An example of the principle stated above occurred on Apr. 9, 1979,(16) during consideration of H.R. 3324(17) in the Committee of the Whole.

MR. [STEPHEN J.] SOLARZ [of New York]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Solarz to the amendment offerd by Mr. Bauman: On page 2 of the amendment, strike out subsections (b) and (c). . . .

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I ask unanimous consent that all debate on the Bauman amendment and the Solarz amendment to the Bauman amend-

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14. 120 CONG. REC. 24600, 93d Cong. 2d Sess.

15. Neal Smith (Iowa).

16. 125 CONG. REC. 7763, 96th Cong. 1st Sess.

17. The International Development Cooperation Act of 1979.

ment and all amendments thereto end at 3:30 o'clock. . . .

Mr. [Robert E.] Bauman [of Maryland]: Mr. Chairman, reserving the right to object, I have no objection to limiting time, I think we have discussed it enough; but this would not preclude the gentleman from Maryland from offering a substitute amendment for the Solarz amendment at this point, would it?

The Chairman:(18) The Chair will state that the Solarz amendment is not subject to a substitute.

Mr. Bauman: No substitute would be in order to the Solarz amendment?

The Chairman: That would be an amendment in the third degree. The Bauman amendment would be subject to a substitute. . . .

Mr. [Paul] Findley [of Illinois]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Findley: In the last paragraph substitute "may" for the word "shall."

The Chairman: The Chair would advise the gentleman from Illinois the amendment is not in order. There is already an amendment pending to the Bauman amendment.

§ 5.8 Only one amendment to a substitute may be pending at one time, and amendments which might be subsequently offered may not be debated while another amendment is pending.

An example of the situation described above occurred on May 15, 1979,(19) during consideration of H.R. 39(20) in the Committee of the Whole. The proceedings were as follows:

The Chairman:(21) The question is on the amendments offered by the gentleman from Louisiana (Mr. Huckaby) to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries.

The amendments to the amendment in the nature of a substitute were agreed to.

Mr. [Peter H.] Kostmayer [of Pennsylvania]: Mr. Chairman, I have two amendments.

The Chairman: Are these amendments to the Merchant Marine Committee amendment?

Mr. Kostmayer: To the Udall-Anderson.

The Chairman: There is already an amendment pending to the Udall substitute. Another amendment to the Udall substitute is not in order at this point.

Mr. Kostmayer: Well, Mr. Chairman, they can be spoken on now and voted on later; is that correct?

The Chairman: They are not in order at this time..

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18. Elliott H. Levitas (Ga.).

19. 125 Cong. Rec. 11178, 96th Cong. 1st Sess.

20. Alaska National Interest Lands Conservation Act of 1979.

21. Paul Simon (Ill.).

Improperly Drafted Substitute Treated as Perfecting Amendment

§ 5.9 While there may be pending only one perfecting amendment to a section at a time and there are no degrees of preference as between perfecting amendments, where there was pending an amendment proposing to strike out a subsection and insert new language, the Chair announced that an amendment improperly drafted as a substitute which merely perfected the subsection of the bill would be treated as a perfecting amendment to the bill and would be voted on first.

On Mar. 21, 1975,(1) during consideration in the Committee of the Whole of a bill,(2) the proceedings, described above, occurred as follows:

The Clerk read as follows:

> Amendment offered by Mrs. Fenwick: Page 11, strike out lines 1 through 12 and insert in lieu thereof:
> "(d) Not more than 50 per centum of the aggregate mortgage amounts approved in appropriation Acts may be allocated (1) for use with respect to existing previously occupied dwellings which have not been substantially rehabilitated and (2) for use with respect to new, unsold dwelling units the construction of which commenced prior to the enactment of this Act. Not more than 10 per centum of the aggregate mortgage amounts approved in appropriation Acts may be allocated with respect to dwelling units with appraised values in excess of $38,000.". . .

MR. [LES] AUCOIN [of Oregon]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

> Perfecting amendment offered by Mr. AuCoin: On page 11, line 1, strike out "25" and insert in lieu thereof "30."
>
> On page 11, line 3, insert "with respect to existing units and" immediately after "use."

THE CHAIRMAN:(3) The Chair will treat this amendment as a perfecting amendment to the paragraph of the bill and it will be voted on first.

Perfecting Amendments Pending Motion To Strike

§ 5.10 There may be pending a motion to strike out a pending title of a bill, a perfecting amendment (adding a new section at the end of the title) and a substitute therefor. After the first perfecting amendment has been disposed of, another may be offered and the vote on the motion to strike out is deferred until the amendment is disposed of.

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1. 121 CONG. REC. 7950, 94th Cong. 1st Sess.
2. H.R. 4485, the Emergency Middle-Income Housing Act of 1975.
3. Robert N. Giaimo (Conn.).

On Oct. 3, 1969,(4) a bill(5) was under consideration which stated in part:

> Title V—Committees of Congress
>
> Sec. 501. The Department of Defense shall keep the Committees on Armed Services of the Senate and of the House of Representatives fully and currently informed with respect to all of the Department's activities. . . .
>
> Sec. 504. As used in this Act . . .
>
> (c) "Restricted data" means data classified as "Restricted data," in accordance with the provisions of the Atomic Energy Act of 1954, as amended. . . .

A motion to strike out the entire title was offered:

> Motion offered by Mr. [Samuel S.] Stratton [of New York]: On page 16, line 9, strike all of Title V. . . .

Mr. Andrew Jacobs, Jr., of Indiana, offered a perfecting amendment adding a new section to the title. The following proceedings then took place:

> Substitute Amendment Offered by Mr. Anderson of Illinois for the Amendment to Title V Offered by Mr. Jacobs
>
> Mr. [John B.] Anderson of Illinois: Mr. Chairman, I offer a perfecting amendment to title V. . . .
>
> The Chairman:(6) The question is on the substitute amendment offered by the gentleman from Illinois (Mr. Anderson) for the amendment offered by the gentleman from Indiana (Mr. Jacobs). . . .
>
> So the substitute amendment was rejected. . . .
>
> The Chairman: The question is on the amendment offered by the gentleman from Indiana (Mr. Jacobs).
>
> Mr. [Donald M.] Fraser [of Minnesota]: Mr. Chairman, I demand tellers.
>
> Tellers were ordered, and the Chairman appointed as tellers Mr. Jacobs and Mr. [L. Mendel] Rivers [of South Carolina].
>
> The Committee divided, and the tellers reported that there were—ayes 89, noes 109.
>
> So the amendment was rejected.
>
> Mr. William F.] Ryan [of New York]: Mr. Chairman, I offer a perfecting amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Ryan: On page 16, after the period on line 13, strike out the remainder of line 13 and lines 14 through 25. . . .
>
> The Chairman: The question is on the amendment offered by the gentleman from New York (Mr. Ryan).
>
> The amendment was rejected.
>
> The Chairman: . . . The question is on the motion to strike offered by the gentleman from New York (Mr. Stratton).
>
> The motion was agreed to.

§ 5.11 In response to a parliamentary inquiry, the Chairman stated that where there was

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4. 115 Cong. Rec. 28454, 28455, 28459, 28460, 28463, 28464, 91st Cong. 1st Sess.

5. H.R. 14000 (Committee on Armed Services).

6. Daniel D. Rostenkowski (Ill.).

pending a motion to strike a title of a bill, perfecting amendments to that title could be offered and would be voted on prior to voting on the motion to strike.

On June 13, 1975,(7) the Committee of the Whole having under consideration the bill H.R. 6860,(8) a parliamentary inquiry was addressed to the Chair, as indicated below:

Mr. [Ken] Hechler of West Virginia: Mr. Chairman, I have a parliamentary inquiry.

The Chairman:(9) The gentleman will state it.

Mr. Hechler of West Virginia: Does this amendment strike all of title IV?

Mr. [William A.] Steiger of Wisconsin: Yes.

Mr. Hechler of West Virginia: In that event, my parliamentary inquiry is, Mr. Chairman, I have a perfecting amendment to title IV. I would inquire of the Chair whether that perfecting amendment could be considered.

The Chairman: The Chair desires to inform the gentleman from West Virginia that his perfecting amendment would be in order pending the vote on the amendment offered by the gentleman from Wisconsin.

§ 5.12 Where there has been offered a motion to strike out the entire pending portion of a bill, only one perfecting amendment to that portion of the bill may be offered at a time, even though it may propose to strike out a lesser portion of the pending text and its adoption might preclude other perfecting amendments to that stricken portion.

On June 11, 1975,(10) the Committee of the Whole having under consideration a bill,(11) an amendment was offered and the proceedings, described above, were as follows:

Mr. [Bill] Alexander [of Arkansas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Alexander: Strike out title II (relating to energy conservation taxes), beginning on line 1 of page 29, and ending on line 24 of page 57. . . .

Mr. [Al] Ullman [of Oregon]: Mr. Chairman, the amendment to strike will not be voted on until there is opportunity to vote on all of the perfecting amendments to title II?

The Chairman:(12) The gentleman is correct.

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(7) 121 Cong. Rec. 18819, 94th Cong. 1st Sess.

(8) Energy Conservation and Conversion Act of 1975.

(9) William H. Natcher (Ky.).

(10) 121 Cong. Rec. 18435, 18437, 18438, 94th Cong. 1st Sess.

(11) H.R. 6860, Energy Conservation and Conversion Act of 1975.

(12) William H. Natcher (Ky.).

MR. [FORTNEY H.] STARK [of California]: Mr. Chairman, I offer several amendments, and ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

> Amendments offered by Mr. Stark: Page 30, strike out line 1 and all that follows down through line 5 on page 31.
>
> Page 32, strike out line 20 and all that follows down through line 25. . . .

MR. ULLMAN: Mr. Chairman, the gentleman from California has offered an amendment which would strike part B. The gentleman from Arkansas has offered an amendment which would strike the whole title.

I would assume, after part B is perfected, as the gentleman's amendment to strike part B asks, it would come before the amendment to strike the whole title. Am I correct?

THE CHAIRMAN: The Chair would like to advise the chairman of the committee that the amendment offered by the gentleman from California (Mr. Stark) is a perfecting amendment and will be voted on first. . . .

MR. STARK: Mr. Chairman, I ask unanimous consent at this point to withdraw my amendment and offer it later, after the gentleman from Ohio offers his amendment.

THE CHAIRMAN: Is there objection to the request of the gentleman from California?

MR. [HERMAN T.] SCHNEEBELI [of Pennsylvania]: Mr. Chairman, reserving the right to object, I will ask what the parliamentary procedure is. In the event the gentleman withdraws his amendment, where do we stand?

THE CHAIRMAN: The Chair would like to advise the gentleman from Pennsylvania (Mr. Schneebeli) that if the unanimous-consent request is approved, we are back then to the Alexander amendment, which would be the amendment before the Committee, to strike the whole title, and other perfecting amendments to the title, as the gentleman from Pennsylvania knows, would be in order one at a time.

MR. SCHNEEBELI: Mr. Chairman, if it is withdrawn and we get back to the Alexander amendment, does that mean other amendments of a lesser tax cut would be considered first?

THE CHAIRMAN: That is correct.

MR. SCHNEEBELI: Mr. Chairman, I object because I want to vote on the Stark amendment before I vote on any other alternative amendments.

THE CHAIRMAN: Objection is heard.

MR. ULLMAN: Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment. . . .

There ought to be a way to perfect a section of a title before a motion to strike is made. Now we are in a situation where there is a probability that because there was a motion to strike the whole title, the motion to strike subsection (b) is considered a perfecting motion, and, therefore, subsection (b) will not be perfected before the vote to strike comes.

Now, Mr. Chairman, of course I rise in strong opposition to the Stark motion to strike the title. I had hoped there could be some perfecting amendments so that subsection (b) can better represent the will of the House before the motion to strike comes before the body. And I am still hopeful that that kind of a ruling can be forthcoming. And simply because there is an amendment to strike one part of the bill before you have a chance to perfect it is, it seems to me, not sound parliamentary procedure. . . .

Mr. Schneebeli: Mr. Chairman, my question to the Chair is: In the event we go beyond the Stark amendment and go to the amendment that I understand will be forthcoming from the gentleman from Ohio (Mr. Vanik) his cut of the 20-cent tax is less than that of the gentleman from California (Mr. Stark). In the event we recede and agree to go to a consideration of the Vanik amendment, and it is adopted, does this then preclude us from acting on the Stark amendment?

The Chairman: The Chair would like to advise the gentleman from Pennsylvania that it would not, if the amendment is presently withdrawn.

Parliamentarian's Note: When title II of the bill was read, an amendment was offered to strike out the entire title (no one sought recognition at that point with a perfecting amendment). Perfecting amendments to the text of the bill proposed to be stricken were in order although the motion to strike itself was not amendable. The first such perfecting amendment offered was to strike out a portion of the title. The Committee on Ways and Means sought to consider amendments to modify that portion prior to the consideration of a motion to strike that portion, but since only one perfecting amendment could be pending at a time and there is no degree of preference as between perfecting amendments, unanimous consent was required to withdraw the perfecting amendment to strike; objection to that request precluded the offering of other perfecting amendments at that time.

Number of Amendments Permitted

§ 5.13 Where an amendment, an amendment thereto, and a substitute for the original amendment are pending, it is in order to offer an amendment to the substitute.

On Aug. 24, 1967,(13) a question arose as to the propriety of an amendment offered to a substitute amendment.

Mr. [Richard L.] Ottinger [of New York]: Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from Iowa [Mr. Gross]. . . .

Mr. [E. Ross] Adair [of Indiana]: Mr. Chairman, I make the point of order that [the amendment] is not in order, as there are two amendments pending.

The Chairman:(14) The amendment is offered as an amendment to the sub-

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13. 113 Cong. Rec. 23936, 90th Cong. 1st Sess. Under consideration was H.R. 12048 (Committee on Foreign Affairs).

14. Charles M. Price (Ill.).

stitute amendment offered by the gentleman from Iowa. The Selden amendment is an amendment to the Adair amendment.

The amendment to the substitute amendment is in order.

§ 5.14 It is possible to have pending an amendment to the text, a substitute for the amendment to the text, and an amendment to the substitute.

On July 17, 1962,(15) during consideration of a bill(16) relating to atomic energy, a question arose with regard to the number of permissible pending amendments.

MR. [JAMES E.] VAN ZANDT [of Pennsylvania]: Reserving the right to object, Mr. Chairman, it is my understanding now that the committee will offer two amendments to the bill. If that be the case, would it then be in order for me to offer a substitute amendment?

THE CHAIRMAN:(17) In the event that a member of the committee offers an amendment, a substitute would be in order.

MR. VAN ZANDT: Would that apply if the committee offers two amendments?

THE CHAIRMAN: The members of the committee can offer only one amendment at a time. Of course, a substitute would be in order in either case or to either amendment, or an amendment to the amendment would be in order.

§ 5.15 Where both an amendment and a substitute have been offered, each may have one amendment pending to it at one time.

On Aug. 12, 1959,(18) the Labor-Management Reporting and Disclosure Act of 1959 (H.R. 8342, Committee on Education and Labor) was under consideration. To that bill (referred to as the "committee" or "Elliott" bill), another bill (H.R. 8400, the "Landrum-Griffin" bill) was offered as an amendment; and to the Landrum-Griffin amendment, a third bill (H.R. 8490, the "Shelley" bill) was offered as a substitute. The parliamentary situation was summarized by Mr. Howard W. Smith, of Virginia:(19)

Mr. Speaker, we have a very remarkable situation here today. We have a rule for the consideration of a labor bill. We have two proposed substitutes to the labor bill. And to be as brief as I can about the rule, it is, I will say, a wide-open rule under the rules of the House. The so-called committee bill will first be considered. When it is read for amendment, at the conclusion of the first section, the gentleman from Georgia will offer the so-called Landrum-Griffin bill as an amendment. It will then be in order to offer the so-called Shelley-Roosevelt bill as a substitute for the Landrum amendment. Then it will be in order to have one amendment each to the Shelley-Roosevelt substitute and the Landrum-Griffin amendment pending at the same time. The Landrum-Griffin amendment will be perfected by whatever amendment may be offered before any vote is taken on amendments to the Shelley-Roosevelt substitute. Then that amendment will be perfected. Then the Roosevelt substitute will be, I hope, voted down. Then the Landrum-Griffin bill will, I hope, be voted up. If that occurs, we will then be at the end of the road. That would then be reported back to the House and the House would vote on the Landrum-Griffin amendment. If that is defeated, in the Committee of the Whole, of course, the committee bill will be open to the much-needed amendments to make it a good labor-management bill.

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(15) 108 CONG. REC. 13795, 87th Cong. 2d Sess.

(16) H.R. 11974 (Joint Committee on Atomic Energy).

(17) B. F. Sisk (Calif.).

(18) 105 CONG. REC. 15660, 86th Cong. 1st Sess.

(19) *Id.* at p. 15512.

Mr. Phillip M. Landrum, of Georgia, offered his amendment after the reading of the short title of the committee bill:(20)

MR. LANDRUM: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Landrum: Strike out all after the enacting clause and insert in lieu thereof the following:
>
> "TABLE OF CONTENTS
>
> "Sec. 1. Short title.
>
> "Sec. 2. Declaration of findings, purposes, and policy.
>
> "Sec. 3. Definitions.". . .

Mr. Carl D. Perkins, of Kentucky, offered H.R. 8490:(1)

MR. PERKINS: Mr. Chairman, I offer a substitute for the amendment offered by the gentleman from Georgia.

The Clerk read as follows:

> Amendment offered by Mr. Perkins of Kentucky as a substitute for the amendment offered by Mr. Landrum of Georgia;
>
> Strike out all after the enacting clause and insert in lieu thereof the following:
>
> "TABLE OF CONTENTS
>
> "Sec. 1. Short title.
>
> "Sec. 2. Declaration of findings, purposes, and policy.
>
> "Sec. 3. Definitions.". . .

A parliamentary inquiry was made, as follows:(2)

MR. [JAMES] ROOSEVELT [of California]: Mr. Chairman, there is some confusion in the minds of some as to the proper procedure from this point on. Now that the substitute amendment and the second substitute amendment have been offered, I would like to inquire, Mr. Chairman, as to whether there is any limit to the number of amendments which may be offered to each of the substitute amendments.

THE CHAIRMAN:(3) There is no limit on the number of amendments that may be offered, but only one amendment at a time may be considered to each of the pending amendments.

§ 5.16 There is no limit to the number of amendments that

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(20) *Id.* at p. 15702.

(1) *Id.* at p. 15711.

(2) *Id.* at p. 15720.

(3) Francis E. Walter (Pa.).

may be offered either to an amendment or to a substitute, but only one amendment may be pending to such amendment or substitute at one time.

By way of example, the statement of the above principle was made by the Chairman, Francis E. Walter, of Pennsylvania,(4) in response to a parliamentary inquiry by Mr. James Roosevelt, of California.(5)

§ 5.17 Only one perfecting amendment to an amendment may be pending at a time.

In the 88th Congress, a bill(6) was under consideration relating to crime and criminal procedure in the District of Columbia. While there was pending an amendment to change the age of consent in the definition of statutory rape in the criminal code, it was held that a second amendment to change the penalty for such crime did not qualify as a "substitute" for the first amendment and was therefore not in order until the first perfecting amendment had been acted upon. The proceedings were as follows:(7)

Mr. [William H.] Harsha [of Ohio]: Mr. Chairman, I offer an amendment.

The Chairman:(8) Is it a substitute for the amendment pending?

Mr. Harsha: It is a substitute for the amendment pending. [The amendment was read.]

The Chairman: The Chair would advise the gentleman this does not constitute a substitute for the other amendment. The Chair will dispose of the amendment offered by the gentleman from California [Mr. Bell].

§ 5.18 Where there is pending an amendment and a substitute therefor, it is in order to offer an amendment to the original amendment.

On July 14, 1970,(9) the following exchange took place:

Mr. [Marion G.] Snyder [of Kentucky]: Mr. Chairman, is an amendment to the Fascell amendment in order while the substitute amendment is still pending?

The Chairman:(10) The Chair would like to inform the gentleman from Kentucky that an amendment to the amendment would be in order.

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(4) 105 Cong. Rec. 15720, 86th Cong. 1st Sess., Aug. 12, 1959. Under consideration was H.R. 8342 (Committee on Education and Labor).

(5) See § 5.15, supra.

(6) H.R. 7525 (Committee on the District of Columbia).

(7) 109 Cong. Rec. 14757, 88th Cong. 1st Sess., Aug. 12, 1963.

(8) Ross Bass (Tenn.).

(9) 116 Cong. Rec. 24040, 91st Cong. 2d Sess. Under consideration was H.R. 17654 (Committee on Rules).

(10) William H. Natcher (Ky.).

§ 5.19 Where there is pending an amendment, a substitute therefor, and an amendment to the substitute, it is in order to offer a germane amendment to the original amendment.

On Sept. 25, 1973,(11) proceedings took place which illustrate the application of the above principle.

MR. [ALBERT H.] QUIE [of Minnesota]: Mr. Speaker, I offer an amendment. . . .

MRS. [EDITH] GREEN of Oregon: Mr. Speaker, I offer a substitute amendment for the amendment offered by Mr. Quie. . . .

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Speaker, I offer an amendment to the substitute amendment. . . .

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Speaker, I offer an amendment to the amendment offered by Mr. Quie....

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, we have pending an amendment offered by the gentleman from Minnesota (Mr. Quie) and then we have the amendment in the nature of a substitute offered by the gentlewoman from Oregon (Mrs. Green). Then we have the amendment offered by the gentleman from Kentucky (Mr. Perkins).

Mr. Speaker, I am wondering if a further amendment at this time is in order.

THE SPEAKER:(12) The Chair will state that the amendment offered by the gentleman from Ohio (Mr. Latta) is in order at this time. It is the understanding of the Chair that the amendment offered by the gentleman from Ohio (Mr. Latta) does relate to the amendment offered by the gentleman from Minnesota (Mr. Quie) and is an amendment thereto.

§ 5.20 Where both an amendment (in the nature of a substitute) and a substitute therefor are pending, it is in order also to have an amendment to the amendment and an amendment to the substitute pending at the same time.

On Sept. 29, 1965,(13) during consideration of H.R. 4644 (Committee on the District of Columbia), an amendment in the nature of a substitute was offered by Mr. Abraham J. Multer, of New York:(14)

THE CLERK: The amendment offered by Mr. Multer is to strike all after the enacting clause and insert in lieu thereof the following:

> That, subject to the retention by Congress of the ultimate legislative authority over the Nation's Capital which is granted by the Constitution, it is the intent of Congress to restore to the inhabitants of the District of Columbia the powers of local self-

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11. 119 CONG. REC. 31338, 31339, 31341, 31343, 93d Cong. 1st Sess. Under consideration was H.J. Res. 727 (Committee on Appropriations).

12. Carl Albert (Okla.).

13. 111 CONG. REC. 25376, 89th Cong. 1st Sess.

14. *Id.* at p. 25376.

government which are a basic privilege of all American citizens. . . .

TABLE OF CONTENTS

Title I—Definitions

Sec. 101. Definitions.

Title II—Status of the District

Sec. 201. Status of the District. . . .

A substitute for the above amendment was offered:(15)

MR. [B. F.] SISK [of California]: Mr. Chairman, I offer a substitute.

THE CLERK: The amendment offered by Mr. Sisk, as a substitute for the amendment offered by Mr. Multer, is to strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "District of Columbia Charter Act".

DECLARATION OF POLICY

Sec. 2. It is the intent of Congress to make available to the inhabitants of the District of Columbia such measure and form of local self-government as they themselves shall democratically establish if such self-government is consistent with the constitutional injunction that Congress retain ultimate legislative authority over the Nation's Capital.

Subsequently, a parliamentary inquiry was raised, as follows:(16)

MR. [WILLIAM H.] HARSHA [of Ohio]: As I understand it the Committee may now proceed to amend both the Multer amendment and the Sisk substitute to the amendment; is that correct?

THE CHAIRMAN:(17) That is correct.

MR. HARSHA: And we may amend either one interchangeably at this state of the game?

THE CHAIRMAN: That is correct.

§ 5.21 To a pending amendment in the nature of a substitute for several paragraphs of a bill, there may be offered an amendment, a substitute for the amendment, and an amendment to the substitute; and as often as amendments to the amendment are disposed of, further amendments may be offered and voted upon prior to voting on the amendment to the substitute.

On June 26, 1973, during consideration of H.R. 8877, Departments of Labor, and Health, Education, and Welfare appropriation bill for fiscal 1974, Mr. Robert H. Michel, of Illinois, offered an amendment in the nature of a substitute for several paragraphs of the bill:(18)

MR. MICHEL: Mr. Chairman, I offer an amendment to the paragraph of the bill just read which is a single substitute for several paragraphs of the bill dealing with the Department of Health, Education, and Welfare and related agencies, and I hereby give notice that if the amendment is agreed to, I will make motions to strike out the remaining paragraphs as follows: The paragraph on page 8, lines 13

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15. *Id.* at p. 25389.
16. *Id.* at p. 25418.
17. Eugene J. Keogh (N.Y.).
18. 119 CONG. REC. 21368, 93d Cong. 1st Sess.

through 20; the paragraph on page 11, lines 9 through 11. . . .

Subsequently, amendments were offered as follows:(19)

Mr. [Silvio O.] Conte [of Massachusetts]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Conte to the amendment offered by Mr. Michel: At the end of the first sentence, after "Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255),", strike out "$725,311,000" and insert in lieu thereof "$745,851,000.". . .

Mr. [Howard W.] Robison of New York: Mr. Chairman, I offer an amendment. The amendment is in the nature of a substitute for the pending Michel amendment. It does not change the Michel amendment except insofar as it alters certain dollar amounts. . . .

The Clerk read as follows:

> Substitute amendment offered by Mr. Robison of New York for the amendment offered by Mr. Michel: On page 7, strike out lines 16 through 24 and on page 8, lines 1 and 2 and substitute in lieu thereof the following:
>
> For carrying out the Public Health Service Act with respect to mental health and, except as otherwise provided, the Community Mental Health Centers Act (42 U.S.C. 2681, et seq.), the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (Public Law 91-616), the Narcotic Addict Rehabilitation Act of 1966 (P.L. 89-793), and the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), $725,311,000. . . .

Mr. [Albert H.] Quie [of Minnesota]: Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from New York (Mr. Robison).

The Clerk read as follows:

> Amendment offered by Mr. Quie to the substitute amendment offered by Mr. Robison of New York: In sentence 16, after the words "fiscal 1972," insert the following: "and (2) shall not be more than 110 percent of the amounts made available to such State for that purpose for fiscal year 1972, plus one-half the difference between such amounts and the amounts which would be made available to such State under this Act without application of this clause."

A parliamentary inquiry was made:(20)

Mr. Conte: Mr. Chairman, as I understand, we will first consider my amendment to the amendment offered by the gentleman from Illinois (Mr. Michel)?

The Chairman:(21) The gentleman is correct, the first vote will be on the amendment the gentleman has offered to the amendment offered by the gentleman from Illinois (Mr. Michel). That will be disposed of first.

Mr. Conte: . . . Mr. Chairman, I then have another amendment that I would like to offer. Will I be permitted to offer that amendment?

The Chairman: The Chair will state that after the first amendment has been disposed of, the gentleman may rise and offer his other amendment.

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19. *Id.* at pp. 21375, 21376, 21379.

20. *Id.* at p. 21382.

21. Chet Holifield (Calif.).

The votes on the amendments were taken as follows:(1)

The Chairman: The question is on the amendments offered by the gentleman from Massachusetts (Mr. Conte).

The question was taken; and on a division (demanded by Mr. Conte) there were—ayes 25, noes 87. . . .

The Chairman: The question is on the amendment offered by the gentleman from Minnesota (Mr. Quie) to the substitute amendment offered by the gentleman from New York (Mr. Robison) for the amendment offered by the gentleman from Illinois (Mr. Michel).

The question was taken; and on a division (demanded by Mr. Quie) there were—ayes 8, noes 89.

So the amendment to the substitute amendment was rejected. . . .

The Chairman: The question is on the substitute amendment offered by the gentleman from New York (Mr. Robison) for the amendment offered by the gentleman from Illinois (Mr. Michel).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. Robison of New York: Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the substitute amendment was rejected.

§ 5.22 To an amendment in the nature of a substitute there may be pending an amendment, a substitute, and an amendment to the substitute.

On Jan. 23, 1962,(2) the following exchange took place:

Mr. [H. R.] Gross [of Iowa]: The distinguished majority leader said that the chairman of the committee will offer a substitute to the committee bill. My question is: Will the substitute be open to amendments at any point? How many amendments may be offered to the substitute, and will it be open to amendment at any point?

The Chairman:(3) The proposed amendment being an original amendment will be open to an amendment at any point.

Mr. Gross: To an amendment?

The Chairman: And a substitute and an amendment to the substitute.

§ 5.23 Where there were pending to title I of a bill an amendment in the nature of a substitute for the title and a substitute therefor, responses made by the Chair to various inquiries indicated that: (1) both the amendment and the substitute were open to an amendment; (2) adoption of the substitute would preclude further amendment of either the amendment or the substitute; and (3) rejection of the substitute would

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1. 119 Cong. Rec. 21383, 93d Cong. 1st Sess.

2. 108 Cong. Rec. 758, 87th Cong. 2d Sess. Under consideration was H.R. 7927 (Committee on Post Office and Civil Service).

See also 82 Cong. Rec. 1570, 1571, 75th Cong. 2d Sess., Dec. 15, 1937.

3. Charles M. Price (Ill.).

leave the amendment in the nature of a substitute open to further amendment.

On Apr. 23, 1969, a number of parliamentary inquiries were made with respect to the extent to which a pending amendment in the nature of a substitute, and a substitute amendment, could be amended.(4)

> MR. [JOHN N.] ERLENBORN [of Illinois]: Mr. Chairman, is the Perkins substitute amendment open to amendment at this point?
>
> THE CHAIRMAN:(5) It is.
>
> MR. ERLENBORN: And is the Green of Oregon amendment in the nature of a substitute open to amendment at this point?
>
> THE CHAIRMAN: It is. . . .
>
> MR. ERLENBORN: Should the Perkins substitute amendment be voted upon and adopted, would it then be subject to amendment?
>
> THE CHAIRMAN: No, it would not.
>
> MR. ERLENBORN: If the Perkins substitute amendment is voted upon and rejected, would the Green of Oregon amendment in the nature of a substitute then be open to amendment?
>
> THE CHAIRMAN: It would be.

§ 5.24 Where there was pending an amendment and a substitute therefor, the Chair indicated that only one amendment to the substitute could be offered at one time.

On Oct. 16, 1973,(6) during consideration of the Emergency Petroleum Allocation Act of 1973,(7) Mr. William A. Steiger, of Wisconsin, offered an amendment, and Mr. Richard W. Mallary, of Vermont, offered an amendment thereto, which was agreed to. A substitute amendment to the Steiger amendment had been offered by Mr. Roger H. Zion, of Indiana, and after adoption of the Mallary amendment, Mr. Mallary stated:

> Mr. Chairman, at this point it would be important, I believe, since the same deficiency exists in the substitute offered by the gentleman from Indiana, I would move to amend the substitute in the manner in which the amendment just acted on is worded. . . .

Upon being informed that the amendment would have to be in writing, Mr. Mallary stated:

> . . . I wonder if the Clerk would be willing to use the language in the amendment to the amendment in order to make the correction. In view of the vote on the amendment, I ask unanimous consent that the substitute amendment of the gentleman from Indiana be amended as we have just

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(4) 115 CONG. REC. 10066, 91st Cong. 1st Sess. Under consideration was H.R. 514 (Committee on Education and Labor).

(5) Charles M. Price (Ill.).

(6) 119 CONG. REC. 34336, 93d Cong. 1st Sess.

(7) H.R. 9681 (Committee on Interstate and Foreign Commerce).

amended the amendment to the amendment. . . .

Subsequently, following the Chairman's request to the Clerk to report the Zion amendment as proposed to be amended, the following exchange took place:

Mr. [Torbert H.] Macdonald [of Massachusetts]: Mr. Chairman, the perfecting amendment to the Zion amendment on line 3, where it reads "insert in lieu thereof the following: crude oil and refined products" should be nailed down and say "refined petroleum products." I so move.

The Chairman:(8) The substitute offered by the gentleman from Indiana is pending at the present time, the Chair has recognized the gentleman from Vermont to offer a perfecting amendment.

§ 5.25 Where there was pending an amendment, a substitute therefor and an amendment to the substitute, the Chairman indicated that other amendments to the substitute would be in order under the five-minute rule following disposition of the pending amendment to the substitute.

On Oct. 20, 1971,(9) the following exchange took place:

Mr. [Sam] Steiger of Arizona: Mr. Chairman, is it the Chair's intention after calling for the vote on the Cederberg amendment to the Udall substitute, that we then vote immediately on the Udall substitute or not, or will there be some time for discussion in between?

The Chairman:(10) The Chair will inform the gentleman that will depend on whether other amendments are offered to the substitute. If so, the gentleman's statement would be correct.

Mr. [Wayne N.] Aspinall [of Colorado]: Mr. Chairman, would a motion to strike the necessary number of words be in order?

The Chairman: A motion to strike the necessary number of words would then be in order.

§ 5.26 Where there is pending an amendment in the nature of a substitute for an entire bill, a substitute therefor and an amendment to the substitute, it is in order to offer an amendment to the original amendment in the nature of a substitute.

On Dec. 2, 1970,(11) the following proceedings took place:

Mr. [Olin E.] Teague of Texas: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. Stephens).

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8. Charles H. Wilson (Calif.).
9. 117 Cong. Rec. 37082, 92d Cong. 1st Sess. Under consideration was H.R. 10367 (Committee on Interior and Insular Affairs).
10. William H. Natcher (Ky.).
11. 116 Cong. Rec. 39500, 91st Cong. 2d Sess. Under consideration was H.R. 19436 (Committee on Banking and Currency).

PARLIAMENTARY INQUIRY

Mr. [Benjamin B.] Blackburn [of Georgia]: Mr. Chairman, a parliamentary inquiry. Am I to understand the gentleman from Texas is offering an amendment to the Stephens substitute amendment?

The Chairman:(12) To the Stephens amendment in the nature of a substitute. That is correct.

Mr. Blackburn: So the amendment I have offered is still pending?

The Chairman: The gentleman is correct. It is in order for the gentleman from Texas to offer an amendment to the Stephens amendment, which is in the nature of a substitute.

§ 5.27 Only one amendment to an amendment in the nature of a substitute or to a substitute therefor can be pending at one time.

On Oct. 1, 1974,(13) the Committee of the Whole having under consideration a resolution,(14) a parliamentary inquiry was addressed to the Chair and proceedings were as follows:

Mr. [Bob] Eckhardt [of Texas]: Mr. Chairman, do I understand correctly that the Thompson amendment is to the Hansen substitute, and that no other amendment would be in order to that amendment in the nature of a substitute until the Thompson amendment is voted upon?

The Chairman:(15) The Chair would like to inform the gentleman that he is correct. No additional amendments to the Hansen amendment in the nature of a substitute are in order until the Thompson amendment is voted on.

Further, the Chair would like to advise the gentleman that no additional amendments to the Martin substitute are in order until the Sullivan amendment is voted upon.

Five Amendments Pending at One Time

§ 5.28 In one instance, five amendments were pending at one time, and were offered in the following order: (1) an amendment in the nature of a substitute for the resolution; (2) a substitute therefor; (3) perfecting amendments to the original text; (4) an amendment to the substitute; and (5) an amendment to the amendment in the nature of a substitute.

On May 1, 1975,(16) the Committee of the Whole having under consideration H. Con. Res. 218,(17)

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12. William H. Natcher (Ky.).
13. 120 Cong. Rec. 33338, 93d Cong. 2d Sess.
14. H. Res. 988, to reform the structure, jurisdiction, and procedures of House committees.
15. William H. Natcher (Ky.).
16. 121 Cong. Rec. 12765, 12771, 12775, 12776, 94th Cong. 1st Sess.
17. Setting forth the congressional budget on an aggregate basis for fiscal 1976.

the proceedings described above were as follows:

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. O'Neill:
> Strike out all after the resolving clause and insert in lieu thereof the following:
> "That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on July 1, 1975—
> "(1) the recommended level of Federal revenues is $295,181,000,000. . . .

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Chairman, I offer an amendment as a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment offered by Mr. Latta as a substitute for the amendment in the nature of a substitute offered by Mr. O'Neill: Strike out all after the resolving clause in House Concurrent Resolution 218 and insert in lieu thereof the following:
> "That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on July 1, 1975—
> "(1) the recommended level of Federal revenues is $296,400,000,000. . . .

MR. [PHIL M.] LANDRUM [of Georgia]: Mr. Chairman, I offer a series of amendments.

The Clerk read as follows:

> Amendments offered by Mr. Landrum: Page 1, line 11, strike out "$395,600,000,000" and insert in lieu thereof "$387,486,000,000".
> Page 2 line 2, strike out "$368,200,000,000" and insert in lieu thereof "$361,012,000,000". . . .

MR. [JOHN H.] ROUSSELOT [of California]: Is this an amendment to the substitute offered by the gentleman from Ohio (Mr. Latta)?

THE CHAIRMAN:(18) The Chair understands that it is a perfecting amendment to the original resolution.

MR. ROUSSELOT: Is it in order, then, at this time?

THE CHAIRMAN: It is, the Chair will state.

MR. ROUSSELOT: Will my amendment to the substitute still be in order?

THE CHAIRMAN: It will, at the appropriate time. . . .

MR. ROUSSELOT: Mr. Chairman, I offer an amendment to the substitute amendment for the amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment offered by Mr. Rousselot to the amendment offered by Mr. Latta as a substitute for the amendment in the nature of a substitute offered by Mr. O'Neill: Strike out "$296,400,000,000" and insert in lieu thereof "$299,400,000,000.". . .

MR. [HENRY S.] REUSS [of Wisconsin]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment offered by Mr. Reuss to the amendment in the nature of a substitute offered by Mr. O'Neill: Paragraph (1), strike "$295,181,-000,000" and insert in lieu thereof "$298,181,000,000". . . .

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(18) Richard Bolling (Mo.).

Mr. [Brock] Adams [of Washington]: . . . It is my understanding that there is presently pending the O'Neill amendment in the nature of a substitute to the original text, a Latta substitute to the O'Neill amendment, a perfecting amendment by Mr. Reuss to the O'Neill amendment, a perfecting amendment by Mr. Rousselot to the Latta substitute, and an amendment to the original text by Mr. Landrum.

I intend to oppose the Landrum amendment, the Latta substitute, and the Rousselot amendment, and I would like to know which one will be first voted on by the body, so that I can address myself to that one.

The Chairman: The Chair will respond to the gentleman from Washington (Mr. Adams) that the first vote will occur on the Landrum perfecting amendment to the concurrent resolution.

Parliamentarian's Note: In this context, eight amendments could have been pending at once, since any Member could have offered an amendment to Mr. Landrum's perfecting amendment, a substitute for Mr. Landrum's amendment, and an amendment to the substitute.

§ 5.29 There may be pending at one time: (1) a motion to strike the pending title (or section, or paragraph) when offered before perfecting amendments are offered; (2) a perfecting amendment to the title; (3) an amendment to that amendment; (4) a substitute for the perfecting amendment; and (5) an amendment to the substitute.

The following proceedings took place on Aug. 3, 1966,(19) during consideration of the Civil Rights Act of 1966.(20)

Mr. [Arch A.] Moore [of West Virginia]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Moore: On page 61, strike line 19 and all that follows down through page 74, line 6, and renumber the following titles and sections accordingly. . . .

[This amendment struck out Title IV of the pending text.]

Mr. [Charles McC.] Mathias [of Maryland]: Mr. Chairman, I offer a perfecting amendment.

The Chairman:(1) The Clerk will report the amendment.

Mr. [Clark] MacGregor [of Minnesota]: Mr. Chairman, a parliamentary inquiry. . . . Mr. Chairman, when will it be in order for me to seek recognition for the purpose of offering . . . a substitute to the Mathias perfecting amendment?

The Chairman: It will be in order for the gentleman from Minnesota to offer such an amendment after the gentleman from Maryland has concluded his remarks on his amendment. . . .

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19. 112 Cong. Rec. 18113-15, 89th Cong. 2d Sess.
20. H.R. 14765 (Committee on the Judiciary).
1. Richard Bolling (Mo.).

MR. [WILLIAM C.] CRAMER [of Florida]: Mr. Chairman, assuming that the gentleman is recognized for that purpose and offers his substitute, then is it correct to say that no other amendments or substitutes will be in order?

THE CHAIRMAN: That is not correct.

MR. CRAMER: Then at what point would additional amendments be in order?

THE CHAIRMAN: An amendment to the Mathias amendment would be in order. An amendment to the substitute, if it is offered—the substitute for the Mathias amendment, if it is offered—would be in order. . . .

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Under what conditions can a perfecting amendment to title IV be offered by the gentleman from Maryland [Mr. Mathias] in view of the fact that the amendment offered by the gentleman from West Virginia [Mr. Moore] was to strike out all of title IV. What does it perfect? Or what would it then perfect?

THE CHAIRMAN: Under our rules—the rules of the House, and ordinary parliamentary procedure—the basic legislation is perfected before there is a vote on an amendment to strike. . . .

MR. WAGGONNER: If the Chair has correctly stated the rules of the House—and I do not at this moment accept that he has—would the vote then occur in this manner: if the gentleman from Minnesota [Mr. MacGregor] offers substitute language, would there first be a vote on the substitute language which is intended to be offered by Mr. MacGregor to the perfecting amendment?

Then, if that substitute language is rejected, would the so-called perfecting amendment of the gentleman from Maryland [Mr. Mathias] be voted on? And, if that amendment or that so-called perfecting amendment is rejected, would the vote then occur on the motion of the gentleman from West Virginia [Mr. Moore] to strike all of title IV?

THE CHAIRMAN: The gentleman's assumptions are correct, unless there intervened after the defeat of the substitute amendment which may be offered and the perfecting amendment which has been offered another amendment in the nature of a perfecting amendment.

Amendment to Several Paragraphs of Appropriation Bill

§ 5.30 The Chairman indicated in response to inquiries that where there was pending a paragraph of an appropriation bill and an amendment "in the nature of a substitute" for that paragraph and the succeeding paragraphs, perfecting amendments to both the original paragraph and to any part of the amendment in the nature of a substitute, as well as a substitute for the latter, would be in order.

On July 29, 1969,(2) the following proceedings took place:

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2. 115 CONG. REC. 21218, 21219, 91st Cong. 1st Sess. Under consideration was H.R. 13111 (Committee on Appropriations).

MR. [CHARLES S.] JOELSON [of New Jersey]: Mr. Chairman, I offer an amendment to the paragraph just read which is a simple substitute to several paragraphs of the bill dealing with the Office of Education and I hereby give notice that after the amendment is agreed to I will make a motion to strike out the paragraphs appearing as follows: . . .

MR. GERALD R. FORD [of Michigan]: Would a substitute for the amendment offered by the gentleman from New Jersey (Mr. Joelson) . . . be in order if offered by someone?

THE CHAIRMAN:(3) The Chair will state that a substitute for the amendment would be in order. . . .

MR. [ALBERT H.] QUIE [of Minnesota]: Mr. Chairman, the entire substitute, as I understand, is open to amendment at any point, but insofar as the bill is concerned is the paragraph on page 25 which was read by the Clerk also open to amendment?

THE CHAIRMAN: The gentleman is correct.

Text of Another Bill Made in Order as Amendment

§ 5.31 Where the Committee on Rules had reported a resolution making in order the consideration of a committee amendment in the nature of a substitute as an original bill for amendment, and making in order the text of another bill offered from the floor as an amendment in the nature of a substitute therefor, the Speaker pro tempore indicated that (1) amendments would be in order to the floor amendment in the nature of a substitute at any point; (2) if the substitute text were offered after section 1 of the committee amendment had been read, only that section of the committee amendment would be open to perfecting amendment while the substitute was pending; and (3) if the substitute were defeated in Committee of the Whole, the committee amendment would be read by sections for amendment.

On June 16, 1970,(4) during proceedings relating to a postal reform bill(5) a number of inquiries were raised with respect to applicable amendment procedures. The proceedings were as follows:

MR. [H. ALLEN] SMITH of California: In connection with H.R. 17070, which the Rules Committee has made in order as a committee substitute for the original committee bill, which was stricken out, and against which bill points of order are to be waived, and in addition in connection with H.R. 17966, which has been made in order as a substitute, waiving points of order, my understanding of the parliamentary situation is, if we do not get into the third degree where we are stopped, that when H.R. 17966 is offered as a substitute it will be open to amendment as we go through the bill.

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(3) Chet Holifield (Calif.).

(4) 116 CONG. REC. 19838, 91st Cong. 2d Sess.

(5) See H. Res. 1077 (Committee on Rules), providing for consideration of H.R. 17070, the Postal Reform Act of 1970.

The Speaker Pro Tempore:(6) It will be open to amendment at any point.

Mr. Smith of California: It is my understanding if we have an amendment pending on that bill, which is one amendment, we can also have an amendment pending on the original bill if it applies to the same section or same part of the bill. In other words, we are not precluded from amending H.R. 17070 until we completely take care of H.R. 17966 and the Committee rises and you vote on that. We can amend in the Committee of the Whole H.R. 17070.

The Speaker Pro Tempore: If the Chair correctly understands the gentleman, the answer to it is that the Udall substitute can be offered as an amendment to section 1. Other amendments can be offered to section 1 of the committee amendment, but no other amendments can be offered beyond section 1 to the committee amendment. . . .

Mr. Gerald R. Ford [of Michigan]: Is it not accurate to say, however, that if the Udall-Derwinski substitute, H.R. 17966, is defeated in the Committee of the Whole, then any other part of H.R. 17070 is open for amendment at any point?

The Speaker Pro Tempore: In that event, the Committee of the Whole would go back and read the committee amendment as an original bill, in which case each section would be open for amendment as it was read.

[Note: In this context, the committee amendment in the nature of a substitute assumes the character of original text under the special rule, and the text of the other bill is properly described as an amendment in the nature of a substitute (an amendment in the first degree) rather than as a substitute for the committee amendment.]

Committee Amendment Read as Original Text

§ 5.32 Where, pursuant to a special rule, a committee amendment in the nature of a substitute, printed in the bill, is being read as original text for purpose of amendment there may be pending to that text (1) an amendment (in the nature of a substitute), (2) a substitute therefor, and (3) amendments to both the amendment and the substitute.

On Apr. 23, 1969,(7) the Committee of the Whole had under consideration H.R. 514, extending and amending the Elementary and Secondary Education Act, pursuant to a special rule as indicated by the Chair. Where there were

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6. Carl Albert (Okla.).

7. 115 Cong. Rec. 10052-54, 10061, 10062, 10066, 91st Cong. 1st Sess.

pending to title I of the bill an amendment in the nature of a substitute for the title and a substitute therefor, the Chair indicated in response to a series of parliamentary inquiries that both the amendment and the substitute were open to an amendment; that adoption of the substitute would preclude further amendment of either the amendment or the substitute; that rejection of the substitute would leave the amendment in the nature of a substitute open to further amendment; and that pending a vote on either the amendment or the substitute, title I remained open to a perfecting amendment.

The proceedings were as follows:

The Chairman:[8] Pursuant to the rule, the Clerk will now read by title the substitute committee amendment printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Elementary and Secondary Education Amendments of 1969".

TITLE I—EXTENSION AND AMENDMENT OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

EXTENSION OF TITLE I OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Sec. 101. (a) Section 102 of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1975".

(b) Section 121(d) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"(d) For the purpose of making grants under this part there are authorized to be appropriated not in excess of $50,000,000 for the fiscal year ending June 30, 1969, and for each of the six succeeding fiscal years. . . .

Mr. [John N.] Erlenborn [of Illinois] (during the reading): Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the Record, and open to amendment at any point.

The Chairman: Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. GREEN OF OREGON

Mrs. [Edith S.] Green of Oregon: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mrs. Green of Oregon: Strike out everything after the enacting clause and insert in lieu thereof:

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[8] Charles M. Price (Ill.).

"TITLE I—EXTENSION AND AMENDMENT OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

"EXTENSION OF TITLE I OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

"Section 101. (a) Section 102 of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out 'June 30, 1970' and inserting in lieu thereof 'June 30, 1972'.

"(b) Section 121(d) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

" '(d) For the purpose of making grants under this part there are authorized to be appropriated not in excess of $50,000,000 for the fiscal year ending June 30, 1969, and for each of the three succeeding fiscal years.'. . .

Mr. [Carl D.] Perkins [of Kentucky]: Mr. Chairman, I offer a substitute amendment for the so-called Green of Oregon amendment in the nature of a substitute.

The Clerk read as follows:

Substitute amendment offered by Mr. Perkins for the amendment in the nature of a substitute offered by Mrs. Green of Oregon: Strike out all after the enacting clause and insert in lieu thereof the following:

"That this Act may be cited as the 'Elementary and Secondary Education Amendments of 1969'.

"TITLE I—EXTENSION AND AMENDMENT OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

"EXTENSION OF TITLE I OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

"Sec. 101. (a) Section 102 of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out 'June 30, 1970' and inserting in lieu thereof 'June 30, 1973.'

(b) Section 121(d) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

" '(d) For the purpose of making grants under this part there are authorized to be appropriated not in excess of $50,000,000 for the fiscal year ending June 30, 1969, and for each of the four succeeding fiscal years.'. . .

Mr. Erlenborn: Mr. Chairman, is the Perkins substitute amendment open to amendment at this point?

The Chairman: It is.

Mr. Erlenborn: And is the Green of Oregon amendment in the nature of a substitute open to amendment at this point?

The Chairman: It is.

Mr. Erlenborn: So both are open to amendment at this point?

The Chairman: The gentleman is correct.

Mr. Erlenborn: A further parliamentary inquiry, Mr. Chairman.

The Chairman: The gentleman will state it.

Mr. Erlenborn: Should the Perkins substitute amendment be voted upon and adopted, would it then be subject to amendment?

The Chairman: No, it would not.

Mr. Erlenborn: If the Perkins substitute amendment is voted upon and rejected, would the Green of Oregon amendment in the nature of a substitute then be open to amendment?

The Chairman: It would be.

Mr. Erlenborn: A further parliamentary inquiry, Mr. Chairman.

The Chairman: The gentleman will state it.

Mr. Erlenborn: Is title I of H.R. 514 subject to amendment at this time?

The Chairman: It is.

Debate Limited on Certain Amendments

§ 5.33 Where there was pending an amendment in the nature of a substitute, a substitute therefor and an amendment to the substitute, and debate had been limited on the substitute and all amendments thereto but not on the original amendment or amendments thereto, the Chair indicated that (1) further amendments to the substitute or modifications of the substitute by unanimous consent must await disposition of the pending amendment to the substitute; (2) amendments to the original amendment could be offered and debated under the five-minute rule and would be voted on before amendments to the substitute; (3) amendments to the substitute could be offered and voted upon without debate unless printed in the Record pursuant to Rule XXIII clause 6; and (4) the question would not be put on the substitute until all perfecting amendments to it and to the original amendment were disposed of.

On Feb. 5, 1976,(9) during consideration of H.R. 9464, the Natural Gas Emergency Act of 1976, there was pending an amendment in the nature of a substitute (the Krueger amendment); a substitute therefor (the Smith amendment); and an amendment to the substitute (the Eckhardt amendment). A unanimous-consent request was made to limit debate:

Mr. [John D.] Dingell [of Michigan]: Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I ask unanimous consent that all debate on the Smith amendment and all amendments thereto terminate immediately upon the conclusion of consideration of the amendment offered by the gentleman from Texas (Mr. Eckhardt). . . .

There was no objection. . . .

Mr. [Clarence J.] Brown of Ohio: Mr. Chairman, as I understood it, the unanimous-consent request of the gentleman from Michigan (Mr. Dingell) was that all debate on the Smith substitute amendment cease after the disposition of the Eckhardt amendment. The Eckhardt amendment would be the pending business then, and imme-

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9. 122 Cong. Rec. 2646–48, 94th Cong. 2d Sess.

diately after the determination of the Eckhardt amendment, we would vote on the Smith amendment. Is that not correct? . . .

THE CHAIRMAN:(10) Not necessarily, because there could be an amendment to the Krueger amendment, which would be debatable. . . . Before we vote on the Smith substitute, amendments to the Krueger amendment are debatable if offered. . . .

The point that the Chair is trying to make, regardless of what agreements are reached, is that until the Krueger amendment is finally perfected to the satisfaction of the Committee, the Chair cannot put the question on the Smith substitute.

MR. BROWN of Ohio: The Chair cannot put the question on the Smith amendment?

THE CHAIRMAN: The Chair cannot put the question on the Smith substitute until the Krueger amendment is perfected to the satisfaction of the Committee.

There has been no limitation of debate on the Krueger amendment or amendments thereto. The basic parliamentary situation is that we have a substitute amendment for the amendment in the nature of a substitute, the Krueger amendment. Both of those are subject to amendment, but both must be perfected before the Chair can put the question on the substitute for the amendment in the nature of a substitute.

MR. BROWN of Ohio: With respect to the unanimous-consent request of the gentleman from Michigan (Mr. Dingell), the Eckhardt amendment is still to be voted upon, and then there are to be no other amendments to the Smith amendment?

THE CHAIRMAN: There is to be no further debate on such amendments....

MR. BROWN of Ohio: Mr. Chairman, if my time still applies, I would like to ask the Chair to state the circumstances. If I may, before the Chair does that, I would like to ask the question this way: As the situation stands at this moment, the Krueger amendment is still perfectable by amendments under the normal course of time, and there is no limitation on the Krueger amendment.

The Smith amendment, however, can be perfected only by the vote on the Eckhardt amendment, and then if there are other amendments to the Smith amendment there is no debate time remaining on those amendments.

Is that correct?

THE CHAIRMAN: Unless they are printed in the Record.

MR. BROWN of Ohio: And if they are printed in the Record, the debate time is 5 minutes per side pro and con. Is that correct?

THE CHAIRMAN: That is correct. . . .

MR. DINGELL: Mr. Chairman, it is, however, a fact that the gentleman may have an amendment at the desk and it may be voted on without debate under the unanimous-consent request?

THE CHAIRMAN: That is correct.

MR. [ROBERT] KRUEGER [of Texas]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. KRUEGER: Mr. Chairman, there are still those of us who are not certain of the parliamentary situation. I am among them.

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10. Richard Bolling (Mo.).

Mr. Chairman, my question is this: We will vote first on the Eckhardt amendment to the Smith substitute?

THE CHAIRMAN: That is right.

MR. KRUEGER: Following that, there will then be a vote without further debate on the Smith substitute, or no?

THE CHAIRMAN: The Chair cannot say, because if there were amendments printed in the Record, there can be both an amendment offered and debate on the amendment. If there were no amendments that were qualified for debate by being printed in the Record, they could not be offered and voted on without debate.

But if they are offered to the Krueger amendment in the nature of a substitute, they would both be considered and would be debatable under the 5-minute rule. . . .

The 5-minute rule applies only to amendments to the Smith amendment which has been printed in the Record. Other amendments to the Smith amendment do not have debate time; they are just voted on. . . .

MR. [BENJAMIN A.] GILMAN [of New York]: Mr. Chairman, I offer an amendment to the Krueger amendment in the nature of a substitute. My amendment has been printed in the Record.

The Clerk read as follows:

> Amendment offered by Mr. Gilman to the amendment in the nature of a substitute offered by Mr. Krueger immediately after section 26 of the Natural Gas Act (as added by section 208) insert the following:
>
> "TREATMENT OF RATES AND CHARGES FOR NATURAL GAS SOLD TO SENIOR CITIZENS
>
> "Sec. 27. (a) The Commission shall prohibit any natural-gas company from selling or otherwise supplying natural gas to any local natural gas company which increases the rates for natural gas sold to senior citizens. . . .

MR. [JOE D.] WAGGONNER [Jr., of Louisiana] (during the reading): Mr. Chairman, I have a point of order.

The point of order lies to the fact that the amendment now being read is to the Krueger amendment in the nature of a substitute and is not in order until there has been a disposition of the Eckhardt amendment to the Smith substitute.

THE CHAIRMAN: The Chair has stated that any amendment to the Krueger amendment in the nature of a substitute may now be offered and is debatable.

MR. WAGGONNER: But, Mr. Chairman, the amendment is not in order until there has been a disposition of the Eckhardt amendment to the Smith substitute which is now under consideration.

THE CHAIRMAN: This amendment takes precedence. This amendment takes precedence over the amendment to the substitute amendment. That is what the Chair has been trying to say now, repeatedly. The amendment that has precedence is an amendment to the amendment in the nature of a substitute, and this is the amendment that is now before the committee. . . .

The question is on the amendment offered by the gentleman from Texas (Mr. Eckhardt) to the amendment offered by the gentleman from Iowa (Mr. Smith) as a substitute for the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Krueger).

The question was taken; and on a division (demanded by Mr. Eckhardt) there were—ayes 33, noes 35.

So the amendment to the substitute amendment for the amendment in the nature of a substitute was rejected.

Amendment to Original Text While Amendment in Nature of Substitute Pending

§ 5.34 Where there is pending an amendment in the nature of a substitute for a resolution, it is in order to offer a perfecting amendment to the pending portion of original text.

On Apr. 27, 1976,[11] the Committee of the Whole having under consideration House Concurrent Resolution 611,[12] an amendment in the nature of a substitute for the resolution was pending when a perfecting amendment to the original text was offered. The proceedings were as indicated below:

The Chairman Pro Tempore:[13] The Clerk will read.

The Clerk read as follows:

> *Resolved by the House of Representatives (the Senate concurring),* That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1976—
>
> (1) the recommended level of Federal revenues is $363,000,000,000, and the amount by which the aggregate level of Federal revenues should be decreased is $14,800,000,000. . . .

Mr. [Brock] Adams [of Washington] (during the reading): Mr. Chairman, I ask unanimous consent that the concurrent resolution be considered as read, printed in the Record, and open to amendment at any point.

The Chairman Pro Tempore: Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. [Delbert L.] Latta [of Ohio]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Latta: Strike all after the resolving clause and insert in lieu thereof the following:
>
> That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1976—
>
> (1) the recommended level of Federal revenues is $352,100,000,000, and the amount by which the aggregate level of Federal revenues should be decreased is $25,700,000,000. . . .

Mr. [James C.] Wright [Jr., of Texas]: Mr. Chairman, I offer a perfecting amendment to House Concurrent Resolution 611.

The Clerk read as follows:

> Perfecting amendment offered by Mr. Wright: Page 4, line 3, strike out "$18,649,000,000" and insert in lieu thereof "$19,849,000,000".

§ 5.35 Where there is pending an amendment in the nature of a substitute for an entire meas-

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[11] 122 Cong. Rec. 11409-11, 94th Cong. 2d Sess.

[12] Concurrent resolution on the budget.

[13] Spark M. Matsunaga (Hawaii).

ure, it is in order to offer a perfecting amendment to that portion of the original text which has been read.

The proceedings of Apr. 13, 1983,(14) during consideration of House Joint Resolution 13 (concerning a nuclear weapons freeze), provide an instance in which a Member had two amendments pending to the original text at the same time—first, an amendment in the nature of a substitute, and then a perfecting amendment to the original text.

> MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I have a perfecting amendment at the desk to section 2 of House Joint Resolution 13.
>
> THE CHAIRMAN:(15) The Chair will advise that perfecting amendments to the underlying text are in order at this time while the Levitas amendment in the nature of a substitute is pending. But the Chair will also point out that if any Member is recognized to offer a perfecting amendment at this time, debate will not be limited on the perfecting amendment and the vote will first come on the perfecting amendment and on any potential amendments thereto before the question is put on the Levitas substitute.

§ 6. Amendments in the Third Degree

The parliamentary prohibition against amendments "in the third degree" was stated in Jefferson's Manual:(16)

> [I]f an amendment be moved to an amendment, it is admitted; but it would not be admitted in another degree, to wit, to amend an amendment to an amendment of a main question. . . . The line must be drawn somewhere, and usage has drawn it after the amendment to the amendment. The same result must be sought by deciding against the amendment to the amendment, and then moving it again as it was wished to be amended. In this form it becomes only an amendment to an amendment.

This principle is considered fundamental in the House of Representatives, and is reflected in Rule XIX:(17)

> When a motion or proposition is under consideration a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon.

Prohibition Against Amendments in Third Degree; Application of Rule Generally

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14. 129 CONG. REC. 8402, 98th Cong. 1st Sess.

15. Matthew F. McHugh (N.Y.).

16. See *House Rules and Manual* § 454 (101st Cong.).

17. *House Rules and Manual* § 822 (101st Cong.).

§ 6.1 Amendments in the third degree are not in order.

This principle(18) has been applied frequently. An example occurred on Aug. 18, 1965,(19) during consideration of the Food and Agriculture Act of 1965.(20) A committee amendment had been reported, to which Mr. Albert H. Quie, of Minnesota, had offered an amendment. Mr. Paul C. Jones, of Missouri, then sought to offer an amendment to the Quie amendment. The following exchange then took place:

> MR. [EDWIN E.] WILLIS [of Louisiana]: While I do not want to deprive the gentleman from Missouri of his right to offer his amendment, the amendment that he proposes to offer now is an amendment in the third degree; is it not?
>
> THE CHAIRMAN:(1) The gentleman is correct. It would be an amendment in the third degree.(2)

§ 6.2 When an amendment and a perfecting amendment thereto are pending, neither an amendment to, nor a substitute for, the perfecting amendment are in order, being in the third degree.

On Apr. 29, 1963,(3) an amendment to an amendment was under consideration as follows:

> Amendment offered by Mr. [Leo W.] O'Brien of New York to the amendment offered by Mr. Griffin: "Strike the last four words."

An attempt was made to offer a further amendment, as follows:

> MR. [JOHN H.] KYL [of Iowa]: Mr. Chairman, I offer a substitute amendment to the amendment offered by the gentleman from New York.
>
> THE CHAIRMAN:(4) The gentleman is out of order. He may not offer a substitute at this point.
>
> MR. [EDMOND] EDMONDSON [of Oklahoma]: Mr. Chairman, I offer an amendment to the amendment.
>
> THE CHAIRMAN: The gentleman may not offer an amendment to the amendment at this point. . . .
>
> MR. EDMONDSON: I yield to the distinguished Speaker.
>
> MR. [JOHN W.] MCCORMACK [of Massachusetts]: As I understand the gentleman's observation, he suggests that the amendment offered by the gentle-

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18. Amendments in the third degree are not authorized by the rule governing permissible pending amendments. See Rule XIX, *House Rules and Manual* § 822 (101st Cong.).
19. 111 CONG. REC. 20938, 20943, 89th Cong. 1st Sess.
20. H.R. 9811 (Committee on Agriculture).
1. Oren Harris (Ark.).
2. For a further example of the application of the principle that amendments in the third degree are not in order, see 105 CONG. REC. 11108, 86th Cong. 1st Sess., June 17, 1959.
3. 109 CONG. REC. 7242, 7243, 88th Cong. 1st Sess. Under consideration was H.R. 1762 (Committee on Interior and Insular Affairs).
4. John M. Slack, Jr. (W. Va.).

man from New York [Mr. O'Brien] be voted down and then a Member will be able to offer another amendment to the Griffin amendment; is that correct?

Mr. Edmondson: The gentleman is entirely correct and I appreciate his clarification.

§ 6.3 Where there is pending an amendment and a perfecting amendment thereto, an amendment to the perfecting amendment is in the third degree and not in order, but it may be offered when the perfecting amendment is disposed of or, if in proper form, as a substitute for the original amendment.

On Apr. 19, 1973,(5) the following exchange took place concerning the propriety of offering an amendment to a perfecting amendment:

Mr. [Stewart B.] McKinney [of Connecticut]: Mr. Chairman, I will offer my amendment at this point.

I will state that I am offering this amendment as a perfecting amendment. The Clerk has a copy at the desk.

The Chairman:(6) The Chair will state that there is already a perfecting amendment pending, the one offered by the gentleman from New York (Mr. Reid).

If that amendment should be defeated or withdrawn, the gentleman could then offer it, or he may offer it as a substitute for the amendment offered by the gentleman from New York (Mr. Reid).

§ 6.4 Where there is pending an amendment and a substitute therefor, an amendment to the substitute is not in the third degree and is in order.

On Mar. 17, 1975,(7) during consideration in the Committee of the Whole of an amendment and a substitute therefor, a point of order was raised as indicated below:

Mr. [Philip E.] Ruppe [of Michigan]: Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

> Amendment offered by Mr. Ruppe to the substitute amendment offered by Mr. Seiberling: On page 194, line 11, amend the substitute by striking "50" and inserting the word "ten."

Mr. [John F.] Seiberling [of Ohio]: Mr. Chairman, a point of order.

The Chairman:(8) The gentleman will state it.

Mr. Seiberling: Mr. Chairman, I believe that is an amendment of the third degree, and therefore is out of order.

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5. 119 Cong. Rec. 13250, 13252, 93d Cong. 1st Sess. Under consideration was S. 502 (Committee on Public Works).
6. Morris K. Udall (Ariz.).
7. 121 Cong. Rec. 6798, 6799, 94th Cong. 1st Sess.
8. Neal Smith (Iowa).

The Chairman: The gentleman from Ohio offered a substitute. An amendment to that substitute is not in the third degree at this point.

§ 6.5 To a proposition being read as original text for amendment there may be pending at one time only one amendment in the nature of a substitute, a substitute therefor, a perfecting amendment to the original amendment in the nature of a substitute and a perfecting amendment to the substitute, and any further amendment to perfecting amendments would be in the third degree; and the vote is first taken on perfecting amendments to the original amendment, then on perfecting amendments to the substitute, then on the substitute (as perfected), and finally on the original amendment in the nature of a substitute (as amended).

In the proceedings described below, which occurred on May 18, 1978,(9) the Committee of the Whole had under consideration H.R. 39, the Alaska National Interest Conservation Lands Act of 1978. An amendment in the nature of a substitute (the Leggett amendment) was offered which, pursuant to House Resolution 1186, agreed to the previous day, was to be read for amendment under the five-minute rule as an original bill by titles. To such amendment, an amendment in the nature of a substitute (the "Meeds amendment") was subsequently offered.

The Chairman:(10) When the committee rose on yesterday, Wednesday, May 17, 1978, all time for general debate had expired, the Clerk had read through line 4 on page 1 of the bill. . . .

Mr. [Robert L.] Leggett [of California]: Mr. Chairman, I offer an amendment in the nature of a substitute, the text of H.R. 12625.

The Chairman: The Clerk will read the amendment in the nature of a substitute by titles.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Leggett: Strike out all after the enacting clause and insert in lieu thereof the following. . . .

Mr. [Morris K.] Udall [of Arizona]: . . . The script we have put together here was that when section 1 of the Leggett amendment, the consensus substitute, was read, the gentleman from Washington (Mr. Meeds) would offer his substitute, but that I would offer a substitute for the Meeds amendment, and we would then have foreclosed these nongermane things that we have been talking about. But it would also be understood that both sides, the Meeds and the Udall substi-

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9. 124 Cong. Rec. 14391, 14394, 95th Cong. 2d Sess.

10. Paul Simon (Ill.).

tutes, would be open. As long as anybody has serious amendments, we would be prepared to stay here and take them and discuss those serious amendments.

Mr. [Robert E.] Bauman [of Maryland]: I have a parliamentary inquiry. . . .

At that point have we gotten into amendments in the third degree, or would amendments to both the pending substitutes be in order?

The Chairman: Perfecting amendments to the Meeds amendment if offered or amendments to a substitute thereto would be in order.

Mr. Bauman: But no further amendments in the nature of a substitute would be in order at that point?

The Chairman: That is correct.

Mr. Udall: I am advised that the parliamentary preference is that the main amendment, the Meeds' amendment, get priority and could be perfected first, after which the substitute I have could be perfected before the committee chooses between those two, so we are not going to try to foreclose any opportunity to have the gentleman from Washington (Mr. Meeds) perfect his amendment as much as he desires, or as much as the Members desire. . . .

Mr. Bauman: I would like to put the parliamentary inquiry to the Chair, whether, indeed, that is the parliamentary situation.

The Chairman: Perfecting amendments to the Meeds' amendment if offered will be voted on first, and the amendments to the Udall substitute offered would be voted upon.

§ 6.6 An amendment to, or a substitute for, an amendment to a pending amendment is in the third degree and not in order.

On Apr. 9, 1979,(11) the Committee of the Whole having under consideration H.R. 3342,(12) the above-stated proposition was illustrated as indicated below:

Mr. [Stephen J.] Solarz [of New York]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Solarz to the amendment offerd by Mr. Bauman: On page 2 of the amendment, strike out subsections (b) and (c). . . .

Mr. [Clement J.] Zablocki [of Wisconsin]: Mr. Chairman, I ask unanimous consent that all debate on the Bauman amendment and the Solarz amendment to the Bauman amendment and all amendments thereto end at 3:30 o'clock. . . .

Mr. [Robert E.] Bauman [of Maryland]: Mr. Chairman, reserving the right to object, I have no objection to limiting time, I think we have discussed it enough; but this would not preclude the gentleman from Maryland from offering a substitute amendment for the Solarz amendment at this point, would it?

The Chairman:(13) The Chair will state that the Solarz amendment is not subject to a substitute.

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11. 125 Cong. Rec. 7763, 96th Cong. 1st Sess.
12. The International Development Cooperation Act of 1979.
13. Elliott H. Levitas (Ga.).

MR. BAUMAN: No substitute would be in order to the Schwarz amendment?

THE CHAIRMAN: That would be an amendment in the third degree. The Bauman amendment would be subject to a substitute. . . .

MR. [PAUL] FINDLEY [of Illinois]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Findley: In the last paragraph substitute "may" for the word "shall."

THE CHAIRMAN: The Chair would advise the gentleman from Illinois the amendment is not in order. There is already an amendment pending to the Bauman amendment.

Modification of Amendment by Unanimous Consent

§ 6.7 Where there is pending an amendment and an amendment thereto, a modification of the latter amendment is in order only by unanimous consent and further amendment would be in the third degree; but a substitute for the original amendment remains in order.

On June 25, 1975,(14) the Committee of the Whole having under consideration H.R. 8069,(15) the proceedings, described above, were as follows:

THE CHAIRMAN:(16) The Clerk will read.

The Clerk read as follows:

> For expenses of the Community Services Administration, $399,185,000.
>
> For "Community services program" for the period July 1, 1976, through September 30, 1976, $99,800,000.

MR. [AUGUSTUS F.] HAWKINS [of California]: Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

> Amendments offered by Mr. Hawkins: On Page 44, line 18, strike "$399,185,000" and insert in lieu thereof, "$434,185,000", and on line 20, strike "$99,800,000" and insert in lieu thereof, "$108,600,000". . . .

MRS. [YVONNE B.] BURKE of California: Mr. Chairman, I offer an amendment to the amendments offered by the gentleman from California (Mr. Hawkins).

The Clerk read as follows:

> Amendment offered by Mrs. Burke of California to the amendments offered by Mr. Hawkins: On Page 44, line 18, strike "$399,185,000" and insert in lieu thereof: "$439,385,000". . . .

MRS. BURKE of California: Mr. Chairman, I ask unanimous consent in order to clarify the Record that the amendment be corrected so it will include these figures to be inserted:

> On page 44, line 18, insert: "$474,385,000" and on page 44, line 20, insert "$144,975,000".

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14. 121 CONG. REC. 20855, 20858, 20863, 94th Cong. 1st Sess.

15. Departments of Labor and Health, Education, and Welfare appropriations, 1976.

16. James C. Wright, Jr. (Tex.).

THE CHAIRMAN: If there is no objection, the Clerk will report the figures.

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, I am constrained to object, if it will save time.

THE CHAIRMAN: The gentlewoman has asked unanimous consent to change the amendment to the amendment, and objection is heard.

Therefore the amendment as originally offered by the gentlewoman from California will have to be considered as the amendment to the amendment offered by the gentleman from California.

MR. [JOHN] BUCHANAN [of Alabama]: Mr. Chairman, a parliamentary inquiry. Would it be in order for an amendment now to be offered if it is not offered by unanimous consent?

THE CHAIRMAN: It would depend on the form in which the amendment would come. If it is a substitute for the original amendment, it would be in order, the Chair will advise the gentleman from Alabama. However, an amendment to the amendment to the amendment would not be in order, it being in the third degree.

Substitute for Amendment

§ 6.8 A substitute for an amendment to an amendment is in the third degree and is not in order.

On Mar. 9, 1978,(17) during consideration of H.R. 50(18) in the Committee of the Whole, an amendment to an amendment was pending which prompted the following exchange concerning the proposition described above:

MR. [RONALD A.] SARASIN [of Connecticut]: Mr. Chairman, I offer amendments and ask unanimous consent that the amendments be considered en bloc.

THE CHAIRMAN:(19) Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The Clerk read as follows:

> Amendments offered by Mr. Sarasin: Page 58, line 3, strike out "reasonable price stability" and insert in lieu thereof "the absence of inflation".
>
> Page 59, strike out line 1 and everything that follows through line 5, and redesignate the following paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively. . . .

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Chairman, I offer amendments to the amendments.

The Clerk read as follows:

> Amendments offered by Mr. Wright to the amendments offered by Mr. Sarasin: On line 2 of the Sarasin amendment, strike all that follows the word "thereof," and insert in lieu thereof the following: "the effective control of inflation.".
>
> Page 64, line 16, strike out "and productivity" and insert in lieu thereof "productivity and reasonable price stability".
>
> Page 64, line 22, before "and" insert "reasonable price stability.". . .

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(17) 124 CONG. REC. 6281, 6282, 95th Cong. 2d Sess.

(18) Full Employment and Balanced Growth Act of 1978.

(19) William H. Natcher (Ky.).

Mr. [Robert H.] Michel [of Illinois]: Mr. Chairman, do I understand the majority leader's proposal is an amendment to the amendment or is it in the form of a substitute?

The Chairman Pro Tempore: The Chair would like to advise the gentleman from Illinois (Mr. Michel) that the gentleman from Texas (Mr. Wright) offers an amendment to the amendment of the gentleman from Connecticut. . . .

Mr. Michel: Would a substitute not be in order for an amendment to an amendment?

The Chairman Pro Tempore: The Chair would like to advise the gentleman that that would not be in order; it would be in the third degree.

§ 6.9 A substitute for a perfecting amendment to a substitute is in the third degree and is not in order.

On July 2, 1980,(20) during consideration of H.R. 7235, the Rail Act of 1980, a perfecting amendment to a substitute amendment was pending. The following exchange took place:

Mr. [Robert C.] Eckhardt [of Texas]: Mr. Chairman, may I ask, is it in order to offer a substitute for this amendment at this point to strike the section?

The Chairman:(1) The Chair will state that the answer to that question is, no, it is not in order to offer a substitute for an amendment to a substitute.

§ 6.10 Where there is pending an amendment and a substitute therefor, a further substitute would be in the third degree and is not in order.

On Nov. 3, 1971,(2) the following proceedings took place:

Mr. [Richard C.] White [of Texas]: Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

> Amendment offered by Mr. White as a substitute for the amendment offered by Mr. [Jack B.] Brooks [of Texas]: Strike title IX from H.R. 7248. . . .

Mr. [Roman C.] Pucinski [of Illinois]: Mr. Chairman, I have a substitute amendment at the desk.

The Chairman:(3) A substitute is now pending. The gentleman from Texas (Mr. Brooks) offered an amendment and the gentleman from Texas (Mr. White) has offered a substitute for that amendment; so a further substitute at this point would not be in order.

§ 6.11 Where there is pending an amendment and a substitute therefor, an amendment to the

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20. 126 Cong. Rec. 18299, 96th Cong. 2d Sess.

1. Les AuCoin (Oreg.).

2. 117 Cong. Rec. 39092, 39093, 39096, 39098, 92d Cong. 1st Sess. Under consideration was H.R. 7248 (Committee on Education and Labor).

3. James C. Wright, Jr. (Tex.).

original amendment is not in the third degree and is in order.

On July 19, 1967,(4) a question arose as to the propriety of offering an amendment to an amendment where there was pending at the same time a substitute for the amendment. The proceedings were as follows:

THE CHAIRMAN:(5) . . . The Chair will state, we have an amendment moved by Mr. Holifield. . . .

MR. [CHET] HOLIFIELD [of California]: My understanding was that the Joelson amendment was offered as a substitute for the Holifield amendment.

THE CHAIRMAN: The gentleman is correct. . . .

MR. [EDMOND] EDMONDSON [of Oklahoma]: Would it be in order at this time to offer the word "legitimate" as an amendment to the amendment offered by the gentleman from California [Mr. Holifield]?

THE CHAIRMAN: It would be in order.

Amendment Disposed of Before Another Offered

§ 6.12 Until an amendment to an amendment is disposed of, no further amendment to the amendment may be offered.

On June 11, 1959,(6) the following proceedings took place:

MR. [CHARLES H.] BROWN of Missouri: Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

> Amendment offered by Mr. Brown of Missouri, to the amendment offered by Mr. Belcher: Strike out all the first paragraph in section 106 beginning with the words "Notwithstanding the provisions of . . ." and insert in lieu thereof the following:
>
> "Notwithstanding the provisions of section 101 of this act, if marketing quotas are disapproved for the 1960 crop of wheat, no price support shall be available for the 1960 crop and each subsequent crop of wheat.". . .

MR. [HARLAN F.] HAGEN [of California]: I have had an amendment at the Clerk's desk for some time. When may it be offered?

THE CHAIRMAN:(7) It cannot be offered until the pending amendment is disposed of. The gentleman may proceed.

§ 6.13 Until a perfecting amendment to an amendment is disposed of, further perfecting amendments may not be offered.(8)

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4. 113 CONG. REC. 19416, 19417, 90th Cong. 1st Sess. Under consideration was H.R. 421 (Committee on the Judiciary).
5. Joseph L. Evins (Tenn.).
6. 105 CONG. REC. 10551–54, 86th Cong. 1st Sess. Under consideration was H.R. 7246 (Committee on Agriculture).
7. Joseph L. Evins (Tenn.).
8. See 109 CONG. REC. 7242, 7243, 88th Cong. 1st Sess., Apr. 29, 1963. See also §§ 6.2, 6.3, infra.

Amendments When Amendment in Nature of Substitute Pending

§ 6.14 Where there was pending an amendment in the nature of a substitute for a bill and an amendment to that substitute, the Chair indicated that a further amendment to the amendment would be in the third degree and not in order.

On Nov. 30, 1971,(9) a parliamentary inquiry arose, as follows:

MR. [JOHN B.] ANDERSON of Illinois: The gentleman from Massachusetts has just offered an amendment to the amendment in the nature of a substitute offered a few minutes ago by the gentleman from Michigan (Mr. Harvey). My parliamentary inquiry is, would it be in order at this time to submit further amendments to the amendment just offered by the gentleman from Massachusetts, Mr. Macdonald?

THE CHAIRMAN:(10) The answer is that it would not.

§ 6.15 Where there was pending an amendment in the nature of a substitute and an amendment thereto, an amendment to the latter amendment and a substitute therefor were ruled out as being in the third degree.

On Dec. 13, 1973,(11) during consideration of the Energy Emergency Act,(12) the following proceedings took place:

MR. [TIM LEE] CARTER [of Kentucky]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. Staggers).

The Clerk read as follows:

> Amendment offered by Mr. Carter to the amendment in the nature of a substitute offered by Mr. Staggers: On page 32, line 17, after the word "oil", strike out the words "and coal". . . .

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Kentucky (Mr. Carter).

THE CHAIRMAN:(13) That is not in order. The Chair will have to state to the gentleman that a substitute is not in order.

MR. WAGGONNER: Mr. Chairman, I offer an amendment to the amendment.

THE CHAIRMAN: The Chair will have to state that no amendment to the amendment is in order. It would be in the third degree. The Committee is considering the bill H.R. 11450, to which there has been offered an amendment in the nature of a substitute, that being the text of the bill H.R. 11882. An amendment to that of-

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9. 117 CONG. REC. 43363-71, 92d Cong. 1st Sess. Under consideration was H.R. 11060 (Committee on House Administration).
10. Richard Bolling (Mo.).
11. 119 CONG. REC. 41259, 41261, 93d Cong. 1st Sess.
12. H.R. 11450 (Committee on Interstate and Foreign Commerce).
13. Richard Bolling (Mo.).

fered by the gentleman from Kentucky (Mr. Carter) is now pending. Further amendment to that amendment would be in the third degree and contrary to the rules of the House.

Parliamentarian's Note: There may be pending at one time an amendment in the nature of a substitute for a bill, an amendment thereto, a substitute for the amendment in the nature of a substitute and an amendment to the substitute; but an amendment to or a substitute for the amendment to the amendment in the nature of a substitute would be in the third degree and not in order. This principle, however, would not apply if the amendment in the nature of a substitute were being considered as original text for purposes of amendment; this may be done, for example, pursuant to a special rule.

§ 6.16 Where there was pending an amendment in the nature of a substitute and an amendment thereto, the Chair indicated in response to a parliamentary inquiry that a further amendment to the amendment would be in the third degree and that only one amendment to the amendment in the nature of a substitute could be pending at one time.

On Feb. 4, 1976,(14) during consideration of a bill(15) in the Committee of the Whole, the Chair responded to a parliamentary inquiry regarding the situation described above. The proceedings were as follows:

Mr. [Chalmers P.] Wylie [of Ohio]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment offered by Mr. Wylie to the amendment in the nature of a substitute offered by Mr. Krueger: In section 204, paragraph (8) is amended to read as follows:
>
> "(8) 'New natural gas' means natural gas produced from a well the drilling of which commenced on or after January 1, 1976.". . .

Mr. [Richard L.] Ottinger [of New York]: Mr. Chairman, I have a parliamentary inquiry.

The Chairman:(16) The gentleman will state his parliamentary inquiry.

Mr. Ottinger: Mr. Chairman, is it possible to offer an amendment to the amendment offered by the gentleman from Ohio (Mr. Wylie), or, in the alternative, to offer an amendment striking certain provisions of that amendment?

The Chairman: The Chair will advise the gentleman that either of such amendments would be in the third degree, and therefore not in order.

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14. 122 Cong. Rec. 2359, 2361, 94th Cong. 2d Sess.
15. H.R. 9464, the Natural Gas Emergency Act of 1976.
16. Richard Bolling (Mo.).

Mr. Ottinger: A further parliamentary inquiry, Mr. Chairman.

The Chairman: The gentleman will state it.

Mr. Ottinger: Would it be possible to go back to the original one with a perfecting amendment?

The Chairman: By the "original one" does the gentleman mean the Krueger amendment in the nature of a substitute?

Mr. Ottinger: Yes, Mr. Chairman.

The Chairman: No. After the Wylie amendment is disposed of, another amendment would be in order.

§ 6.17 Where there was pending an amendment in the nature of a substitute for a bill, an amendment thereto, a substitute therefor and an amendment to the substitute, the Chair indicated that any further amendment would be in the third degree and not in order.

On June 10, 1976,(17) the Committee of the Whole having under consideration H.R. 13367,(18) with the above-described amendments thereto pending, the Chair responded to a parliamentary inquiry regarding further amendment. The proceedings were as follows:

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Brooks: Strike out all after the enacting clause and insert in lieu thereof the following:
>
> That this Act may be cited as the "Fiscal Assistance Amendments of 1976".
>
> DEFINITION
>
> Sec. 2. As used in this Act the term "the Act" means the State and Local Fiscal Assistance Act of 1972. . . .

Mr. [Frank] Horton [of New York]: Mr. Chairman, I offer an amendment as a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment offered by Mr. Horton as a substitute for the amendment in the nature of a substitute offered by Mr. Brooks: Strike out all after the enacting clause and insert in lieu thereof the following: That this Act may be cited as the "Fiscal Assistance Amendments of 1976". . . .
>
> Sec. 3. (a) Subtitle A of title I of the Act is amended by striking out section 103.
>
> (b) Section 123(a) of the Act is amended by striking out paragraph (3). . . .

Mr. John L. Burton [of California]: Mr. Chairman, I offer amendments to the amendment offered as a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

> Amendments offered by Mr. John L. Burton to the amendment offered by Mr. Horton as a substitute for the amendment in the nature of a substitute offered by Mr. Brooks: In the substitute offered by the gentleman from New York, Mr. Horton, strike out everything after the first section thereof down through section 4 and

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17. 122 Cong. Rec. 17327-51, 94th Cong. 2d Sess.

18. A bill to extend and amend the State and Local Fiscal Assistance Act of 1972.

> insert in lieu thereof the following: . . .

At this point in the proceedings, a parliamentary inquiry was directed to the Chair and he responded as follows:

> The Chairman:(19) The Chair will state that the gentleman's amendments, under the existing situation, are not subject to further amendment. . . .
>
> Any further amendment would be an amendment in the third degree.

—Amendment in Nature of Substitute Considered as Original Text

§ 6.18 Where an amendment in the nature of a substitute is considered as original text for the purpose of amendment, pursuant to a special order, an amendment to an amendment thereto is not in the third degree and is in order.

On Sept. 30, 1983,(20) the proposition described above was demonstrated during consideration of H.R. 3231(1) in the Committee of the Whole. The proceedings were as follows:

> The Chairman:(2) When the Committee of the Whole rose on Thursday, September 29, title I was open for amendment at any point.
>
> Are there further amendments to title I?
>
> Mr. [Howard E.] Wolpe [of Michigan]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Wolpe: Page 13, line 2, strike out the quotation marks and second period.
> >
> > Page 13, insert the following after line 2:
> >
> > "(o) Nuclear Exports.—Notwithstanding section 17 of this Act or any other provision of law—
> >
> > "(1) no license may be issued under this Act for the export to a non-nuclear-weapon state of goods or technology which are to be used in a nuclear production or utilization facility. . . .
>
> Mr. [Toby] Roth [of Wisconsin]: Mr. Chairman, I offer an amendment to the amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Roth to the amendment offered by Mr. Wolpe: On page 3 of the amendment, line number 1, strike out the quotation marks and the last period and in lieu thereof insert the following:
> >
> > "The restrictions contained in this subsection shall not apply in a particular case if foreign availability is determined to exist in accordance with the procedures and criteria established under subsection (f)(1) of this section. . . .
>
> Mr. [Richard L.] Ottinger [of New York]: Mr. Chairman, I make a point of order against the amendment. . . .
>
> I believe the amendment is in the third degree. The gentleman from Michigan (Mr. Wolpe) offered an amendment to the amendment in the

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19. Gerry E. Studds (Mass.).
20. 129 Cong. Rec. 26732, 26741, 98th Cong. 1st Sess.
1. The Export Administration Amendments Act of 1983.
2. John F. Seiberling (Ohio).

nature of a substitute and, for that reason, I think it is not in order.

The Chairman: The Chair would advise the gentleman from New York (Mr. Ottinger) that this is an amendment in the second degree. The original amendment in the nature of a substitute is considered as an original bill for purpose of consideration under the rule.

Committee Amendment Pending

§ 6.19 Where there was pending a committee amendment and an amendment thereto, the Chairman declined to permit a Member to offer an amendment in the third degree but indicated that a substitute for the committee amendment would be in order.

On June 1, 1972,[3] the following proceedings took place:

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. MATHIS OF GEORGIA

Mr. [Dawson] Mathis of Georgia: Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

> Amendment to the committee amendment offered by Mr. Mathis of Georgia. . . .

Mr. [Hastings] Keith [of Massachusetts]: I offer an amendment to the substitute offered by the gentleman from Georgia (Mr. Mathis).

The Chairman:[4] The Chair will state to the gentleman from Massachusetts that an amendment to the Mathis amendment is in the third degree and is not in order.

Mr. Keith: An amendment to the substitute is not in order?

The Chairman: The Chair will state to the gentleman from Massachusetts that there is presently pending an amendment to the committee amendment. . . .

Mr. Keith: Then I would respectfully ask the Chair: Would it be in order to offer a substitute to the amendment offered and pending before us?

The Chairman: The Chair will state to the gentleman from Massachusetts that it would be in order to offer a substitute for the entire committee amendment.

Amendments While Motion To Strike Pending

§ 6.20 While a motion to strike out is pending, it is in order to offer an amendment to perfect the language proposed to be stricken out; such a perfecting amendment (which is in the first degree) may be amended by a substitute (also in the first degree), and amendments to the substitute are then in the second degree and in order.

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[3] 118 Cong. Rec. 19458, 19460, 19463, 92d Cong. 2d Sess. Under consideration was H.R. 13918 (Committee on Interstate and Foreign Commerce).

[4] Robert N. Giaimo (Conn.).

On Oct. 19, 1983,(5) during consideration of H.R. 3231,(6) in the Committee of the Whole, the proceedings described above occurred as follows:

AMENDMENT OFFERED BY MR. COURTER

MR. [JAMES A.] COURTER [of New Jersey]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Courter: Page 14, line 4, strike out "If" and all that follows through "involved." on line 8.
>
> Page 16, line 18, strike out "If" and all that follows through "involved." on line 22. . . .

PERFECTING AMENDMENT OFFERED BY MR. BONKER

MR. [DON] BONKER [of Washington]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

> Perfecting amendment offered by Mr. Bonker: Page 14, line 4, strike out "If" and all that follows through "involved." on line 8 and insert in lieu thereof the following: "If, within 6 months after the President's determination, the foreign availability has not been eliminated, the Secretary may not, after the end of that 6-month period, require a validated license for the export of the goods or technology involved.". . .

AMENDMENT OFFERED BY MR. SOLOMON AS A SUBSTITUTE FOR THE PERFECTING AMENDMENT OFFERED BY MR. BONKER

MR. [GERALD B.] SOLOMON [of New York]: Mr. Chairman, I offer an amendment as a substitute for the perfecting amendment.

The Clerk read as follows:

> Amendment offered by Mr. Solomon as a substitute for the perfecting amendment offered by Mr. Bonker: Page 14, line 8, insert the following immediately after the first period: "The President may extend the 6-month period described in the preceding sentence for an additional period of one year if the President determines that the absence of the export control involved would prove detrimental to the national security of the United States.". . .

AMENDMENT OFFERED BY MR. HUNTER TO THE AMENDMENT OFFERED BY MR. SOLOMON AS A SUBSTITUTE FOR THE PERFECTING AMENDMENT OFFERED BY MR. BONKER

MR. [DUNCAN L.] HUNTER [of California]: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the perfecting amendment.

The Clerk read as follows:

> Amendment offered by Mr. Hunter to the amendment offered by Mr. Solomon as a substitute for the perfecting amendment offered by Mr. Bonker: At the end of the Solomon amendment add the following new sentence: "If at the end of said year, foreign availability remains, and the President determines that transfer of the subject technology by the United States would damage national security, the Secretary shall require a license as a prerequisite to transfer.". . .

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5. 129 CONG. REC. 28274, 28282, 28283, 98th Cong. 1st Sess.
6. Export Administration Act Amendments of 1983.

Mr. Bonker: Mr. Chairman, I have offered an amendment to the amendment in the nature of a substitute but as I understand it the gentleman from New Jersey simply strikes. So my amendment would be to the text of the bill.

The Chairman:(7) The gentleman is correct. His amendment is in the first degree as a perfecting amendment to the provision which the gentleman from New Jersey would strike out.

Mr. Bonker: The amendment that has been offered by the gentleman from California (Mr. Hunter), is that in the form of an amendment to my substitute or in the form of an amendment to my amendment?

The Chairman: As the Chair understands it, it is an amendment to the substitute offered by the gentleman from New York. It is an amendment to the Solomon substitute for the Bonker perfecting amendment.

Mr. Bonker: Is that an amendment in the third degree?

The Chairman: No, it is not. The Solomon amendment is a substitute and this is an amendment to the substitute for the Bonker amendment.

Mr. Bonker: Mr. Chairman, I withdraw my point of order.

Form of Amendment

§ 6.21 While a perfecting amendment to a pending substitute should retain some portion of the substitute so as not to be in effect a substitute in the third degree, the Chair does not look behind the form of the amendment in the absence of a timely point of order from the floor to determine whether it is a proper perfecting amendment.

On July 26, 1984,(8) in response to a parliamentary inquiry after debate had begun on a pending amendment to a substitute, the Chair indicated that the amendment had been prefaced as a perfecting amendment rather than as a substitute (although actually drafted as a substitute to replace all language).

Mr. [William F.] Goodling [of Pennsylvania]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Goodling: Add at the end of the bill the following new title. . . .

Mr. [William D.] Ford of Michigan: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Ford of Michigan as a substitute for the amendment offered by Mr. Goodling: Add at the end of the bill the following new title. . . .

Mr. Goodling: Mr. Chairman, I offer a perfecting amendment to the amendment offered by the gentleman from Michigan (Mr. Ford) as a substitute for my amendment.

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7. John F. Seiberling (Ohio).

8. 130 Cong. Rec. 21259, 21261, 21263, 21264, 98th Cong. 2d Sess. Under consideration was H.R. 11, the education amendments of 1984.

The Clerk read as follows:

> Perfecting amendment offered by Mr. Goodling to the amendment offered by Mr. Ford of Michigan as a substitute for the amendment offered by Mr. Goodling: In lieu of the matter proposed to be inserted insert the following. . . .

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Chairman, inasmuch as the perfecting amendment was not read, I am wondering if it happens to be an amendment in the third degree.

THE CHAIRMAN PRO TEMPORE: The Chair would advise the gentleman that this amendment was offered as an amendment to the substitute and not as a substitute which would be in the third degree.

MR. PERKINS: Drafted to the substitute that is being offered by the gentleman from Michigan (Mr. Ford)?

THE CHAIRMAN PRO TEMPORE: The Chair would advise the gentleman that that is correct.

MR. [STEVE] BARTLETT [of Texas]: Mr. Chairman, I yield back the balance of my time.

THE CHAIRMAN PRO TEMPORE:(9) The question is on the perfecting amendment offered by the gentleman from Pennsylvania (Mr. Goodling) to the amendment offered by the gentleman from Michigan (Mr. Ford) as a substitute for the amendment offered by the gentleman from Pennsylvania (Mr. Goodling). . . .

Parliamentarian's Note: It appears that a point of order might have been sustained if made prior to the beginning of debate on the Goodling amendment to the Ford substitute, since it was in reality in the form of a substitute "in lieu of the matter proposed to be inserted insert the following. . . .", but once debate began, the Chair would not take the initiative and rule the amendment to be a substitute for a substitute and in the third degree under Rule XIX.

Pro Forma Amendment as Third Degree

§ 6.22 While, in the Committee of the Whole, pro forma amendments are technically not in order to amendments to a pending amendment or to amendments to a substitute therefor if the point of order is raised (as in either case they would constitute amendments in the third degree), Chairmen have hesitated to rule pro forma amendments out of order as being in the third degree and have permitted such amendments to be offered by unanimous consent.

On Oct. 2, 1974,(10) the Committee of the Whole had under con-

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9. Abraham Kazen, Jr. (Tex.

10. 120 CONG. REC. 33572, 93d Cong. 2d Sess.

See also the proceedings at 92 CONG. REC. 848, 79th Cong. 2d Sess., Feb. 4, 1946, where the Chair declined to initiate action in ruling a pro forma amendment out of order as in the third degree.

sideration House Resolution 988, to reform the structure, jurisdiction, and procedures of House committees. A point of order was raised against a pro forma amendment:

> Mr. [Lloyd] Meeds [of Washington]: Mr. Chairman, I move to strike the requisite number of words.
>
> Mr. [John D.] Dingell [Jr., of Michigan]: Mr. Chairman, a point of order. The gentleman from Washington offers an amendment in the proscribed degree and cannot be recognized on that basis. . . .
>
> I make the point of order the gentleman is offering an amendment which is not proper under the rules.
>
> The Chairman:[11] The gentleman from Washington will state his purpose for rising.
>
> Mr. Meeds: Mr. Chairman, I move to strike the last word.
>
> Mr. Dingell: Mr. Chairman, and I make the point of order that is not in order.
>
> The Chairman: Without objection, the gentleman from Washington is recognized for 5 minutes.

Note: One reason for the Chair's latitude in allowing pro forma amendments is that the Committee in any event has the power to close debate when it chooses.

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[11] William H. Natcher (Ky.).

B. WHEN TO OFFER AMENDMENT; READING FOR AMENDMENT

§ 7. In General; Reading by the Clerk

At the close of general debate on a bill in the Committee of the Whole, debate on amendments normally proceeds under the five-minute rule.(12) The bill is read for amendment, and amendments are offered and debated at the appropriate point in the reading. Thus, when a bill is being read for amendment in the Committee of the Whole by sections, it is not in order to offer amendments except to the one section under consideration. Of course, where a bill consists of only one section, the entire bill is open to amendment.(13)

Amendments are offered in accordance with established procedures, described above.(14) Amendments and amendments thereto are offered in the prescribed order,(15) amendments in the third degree(16) being precluded. As soon as an amendment to an amendment is adopted or rejected, another is in order seriatim until the amendment is perfected; and only after disposition of the amendment will further amendment of the bill be allowed.(17)

A special rule may prescribe the consideration of amendments in a specified order.(18)

In Committee of the Whole, amendments to the preamble of a joint resolution are considered following disposition of any amendments to the resolving clause; and, although in reading a concurrent resolution with a preamble for amendment, the Clerk reads the preamble first and then reads the body of the resolution, amendments to the preamble in Committee of the Whole are considered after amendments to the body of the resolution. In the practice of the House of Representatives the preamble of a joint resolution is amended after the engrossment and before the third reading, but the preamble is not voted on sepa-

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12. Rule XXIII clause 5(a), *House Rules and Manual* § 870 (101st Cong.).
13. See 92 Cong. Rec. 1974, 79th Cong. 2d Sess., Mar. 6, 1946.
14. See § 5, supra.
15. See §§ 15–19, infra, for a discussion of precedence of various kinds of amendments.
16. See § 6, supra.
17. See § 5, supra.
18. See § 3, supra, for discussion of special rules as they affect the amending process. For discussion of special rules generally, see Ch. 21, supra.

rately even if amended, since the question on passage covers the preamble as well as the resolving clause. After an amendment to the preamble has been considered, it is too late to propose amendments to the text of the bill. Amendments to the preamble of a concurrent or simple resolution are considered in the House following the adoption of the resolution.(19)

Not all propositions, of course, are open to amendment. Examples of such propositions are discussed elsewhere.(20)

Dispensing With First Reading

§ 7.1 The first reading of a bill in Committee of the Whole may be dispensed with by unanimous consent only.

On May 17, 1978,(1) during consideration of H.R. 39(2) in the Committee of the Whole, objection was made to a unanimous-consent request to dispense with the first reading of the bill, as indicated below:

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of [H.R. 39]. . . .

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 39, with Mr. Simon in the chair.

The Clerk read the title of the bill.

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, I have a point of order.

Under rule XXI, the bill must be read. I see no waiver of that provision in the rule that we adopted.

THE CHAIRMAN:(3) The Chair will state that he will put the unanimous-consent request to the Committee. . . .

THE CHAIRMAN: Without objection, the first reading of the bill will be dispensed with.

MR. ASHBROOK: . . . Mr. Chairman, I will object to that unanimous-consent request.

THE CHAIRMAN: Objection is heard.

The Clerk will read.

The Clerk proceeded to read the bill. . . .

MR. UDALL (during the reading): Mr. Chairman, I ask unanimous consent that further reading of the bill on its first reading be dispensed with.

THE CHAIRMAN: Is there objection to the request of the gentleman from Arizona?

MR. ASHBROOK: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

The Clerk will read.

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[19] See *House Rules and Manual* § 414 (101st Cong.).

[20] See, for example, §§ 1.5, 1.6, and § 3, supra.

[1] 124 CONG. REC. 14146, 14147, 95th Cong. 2d Sess.

[2] Alaska National Interest Conservation Lands Act of 1978.

[3] Paul Simon (Ill.).

The Clerk continued the reading of the bill.

The Clerk concluded the reading of the bill.

Bill Considered in House as in Committee of the Whole

§ 7.2 Where a bill is by unanimous consent considered in the House as in the Committee of the Whole, the bill is considered as read and open to amendment at any point, despite the fact that the House has previously adopted a special order providing that the bill be read by title in the Committee of the Whole.

On Feb. 9, 1977,(4) the House having previously adopted a special order(5) providing that H.R. 692 be read by title in the Committee of the Whole, a unanimous-consent request was agreed to to consider the bill in the House as in the Committee of the Whole. The proceedings were as follows:

> MR. [NEAL] SMITH of Iowa: Mr. Speaker, I call up the bill H.R. 692 to amend the Small Business Act and the Small Business Investment Act of 1958 to increase loan authorization and surety bond guarantee authority; and to improve the disaster assistance, certificate of competency and small business setaside programs, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.
>
> THE SPEAKER:(6) Is there objection to the request of the gentleman from Iowa?
>
> There was no objection.
>
> The Clerk read the bill as follows:
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. . . .*
>
> THE SPEAKER: Does the gentleman from Iowa have further amendments?
>
> MR. SMITH of Iowa: Mr. Speaker, I have an amendment to title III but the bill is to be read by titles.
>
> THE SPEAKER: The bill is open to amendment at any point so the amendment is in order.

Amendments in Order to Pending Portion of Bill Until Next Portion Read

§ 7.3 Amendments are in order to the pending portion of a bill under the five-minute rule until the Clerk has read the next portion to be considered, and are not precluded if the Committee of the Whole has risen on a previous day with no Members seeking recognition to offer amendments to the pending portion at that time.

An example of the proposition described above occurred on Sept. 13, 1979,(7) during consideration of

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4. 123 CONG. REC. 3977, 3981, 95th Cong. 1st Sess.
5. H. Res. 270, 123 CONG. REC. 3976, 3977, 95th Cong. 1st Sess.
6. Thomas P. O'Neill, Jr. (Mass.).
7. 125 CONG. REC. 24425, 96th Cong. 1st Sess.

H.R. 4040[8] in the Committee of the Whole. The proceedings were as follows:

The Chairman Pro Tempore:[9] When the Committee of the Whole rose on Wednesday, September 12, 1979, sections 812 through 815 had been considered as having been read and open for amendment, and all time for debate on these sections and all amendments thereto had expired.

Are there any further amendments to section 815?

Mr. [Jack] Brooks [of Texas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Brooks: Page 31, line 3, strike out "(a)", and beginning on line 9, strike out subsection (b) through line 15.

The Chairman Pro Tempore: The Chair will ask the gentleman from Texas (Mr. Brooks), has this amendment been printed in the Record?

Mr. Brooks: Mr. Chairman, the amendment was printed in the Record this morning. I submitted it yesterday for printing in the Record.

The Chairman Pro Tempore: The gentleman from Texas is recognized for 5 minutes in support of his amendment. . . .

Mr. Charles H. Wilson of California: I was under the impression that when we completed sections 812 through 815 we would then revert back to title I. Are we going to complete title VIII before we go back to title I?

The Chairman Pro Tempore: Only section 815, since sections 812–814 have been amended.

Mr. Charles H. Wilson of California: We completed that?

The Chairman Pro Tempore: Only debate.

Mr. Charles H. Wilson of California: I thought that we closed that off last night when the chairman asked if there were any further amendments, and that those three sections were completed at that time.

The Chairman Pro Tempore: Only the debate on those sections and on amendments thereto had been completed last evening.

Substitute for Amendment Offered After Amendment Read

§ 7.4 Until an amendment has been read or considered as read by unanimous consent, a substitute for the amendment may not be offered.

On June 26, 1979,[10] the Committee of the Whole having under consideration H.R. 3930,[11] the proceedings described above occurred as follows:

> Amendment offered by Mr. Udall: Page 8, after line 13 add the following new subsection and renumber the subsequent sections accordingly:
>
> (g)(1) The Secretary of Energy is hereby authorized to designate a pro-

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[8] The Defense Department authorization bill, fiscal year 1980

[9] Norman Y. Mineta (Calif.).

[10] 125 Cong. Rec. 16681–83, 96th Cong. 1st Sess.

[11] Defense Production Act Amendments of 1979.

posed synthetic fuel or feedstock facility as a priority synthetic project pursuant to the procedures and criteria provided in this section. . . .

Mr. [Morris K.] Udall [of Arizona] (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The Chairman:(12) Is there objection to the request of the gentleman from Arizona?

Mr. [Clarence J.] Brown of Ohio: Mr. Chairman, reserving the right to object, I wish to made a point of order. Mr. Chairman, the amendment which I had offered and had printed in the Record would be an appropriate substitute amendment for the amendment offered by the gentleman from Arizona (Mr. Udall). Under the time limitation, if I understand correctly, I have 5 minutes to offer that amendment.

The Chairman: That is correct if offered in the proper form. . . .

Mr. Brown of Ohio: . . . Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Arizona (Mr. Udall).

The Chairman: The Chair will advise the gentleman that it is not yet in order.

Is there objection to the unanimous-consent request of the gentleman from Arizona (Mr. Udall)?

Resolving Clauses Read Before Preamble

§ 7.5 Where a joint resolution is read for amendment in the Committee of the Whole, the resolving clauses are read for amendment before consideration is given to the preamble.

On May 7, 1968,(13) the order of consideration of portions of a joint resolution was indicated:

The Clerk read [the complete body of the joint resolution] as follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the Secretary of Transportation (hereinafter referred to as the "Secretary"). . . .

The Chairman:(14) The Clerk will report the preamble.

The Clerk read as follows:

> Whereas Congress finds that suffering and loss of life resulting from motor vehicle accidents and the consequent social and economic dislocations are critical national problems.

General Appropriation and Revenue Bills Considered by Paragraph

§ 7.6 In response to a parliamentary inquiry, the Chair stated the general rule for consideration of bills, which is that general appropriation bills and general revenue bills are usually considered by paragraph for amendment, and all other bills are considered by sections.

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12. Gerry E. Studds (Mass.).

13. 114 Cong. Rec. 12088–90, 12093–96, 90th Cong. 2d Sess. Under consideration was H.J. Res. 958.

14. Augustus F. Hawkins (Calif.).

On May 21, 1940,(15) House Joint Resolution 544, a bill making appropriations for relief and work relief, was under consideration. Mr. John Taber, of New York, made a parliamentary inquiry with respect to the reading of the bill and the offering of amendments. The response was as follows:

> THE CHAIRMAN:(16) The Chair will state, in response to the parliamentary inquiry presented by the gentleman from New York [Mr. Taber], that it is the understanding of the Chair that, under the rule, general revenue measures and appropriation bills are considered by paragraph and that all other measures are considered by sections. [The Chair went on to indicate that the present bill would be considered by sections.]

§ 7.7 Appropriation bills are read by paragraph and amendments thereto are in order only to the paragraph just read and not to the entire subject matter under a heading of the bill.

On Jan. 17, 1940,(17) the following proceedings took place:

> MR. [ROBERT] LUCE [of Massachusetts]: May I ask how far the bill has been read?
>
> THE CHAIRMAN:(18) Down through the bottom of page 50. The only paragraph under the heading "United States Housing Authority" that would now be subject to amendment would be the last four lines on page 50.
>
> MR. LUCE: Mr. Chairman, if I recollect the practice of the House, it has always been to include everything under a heading for amendment.
>
> THE CHAIRMAN: It has been the practice of the House from time immemorial to read appropriation bills by paragraphs.

§ 7.8 A special purpose appropriation bill, not qualifying as a general appropriation bill, is considered by sections rather than by paragraphs.

On May 21, 1940,(19) in response to an inquiry concerning the reading of House Joint Resolution 544, a bill making appropriations for relief and work relief, the Chairman(20) first stated the general

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15. 86 CONG. REC. 6542, 76th Cong. 3d Sess. This joint resolution was not reported or called up as privileged. Since it was not a general appropriation bill, it was considered pursuant to a unanimous consent agreement reached on May 14, 1940 (see 86 CONG. REC. 6113, 76th Cong. 3d Sess.).
16. Fritz G. Lanham (Tex.).
17. 86 CONG. REC. 442, 443, 76th Cong. 3d Sess. Under consideration was H.R. 7922, the independent offices appropriation bill.
18. Lindsay C. Warren (N.C.).
19. 86 CONG. REC. 6542, 76th Cong. 3d Sess.
20. Fritz G. Lanham (Tex.).

rule governing reading of bills. Ordinarily, as the Chairman indicated, general revenue and general appropriation bills are considered by paragraph for amendment and all other bills are considered by sections. Then, recognizing that the pending bill was not a "general" appropriation measure, the Chairman announced, "the pending bill will be considered by sections and amendments offered by sections rather than by paragraphs."

Rivers and Harbors Bills Were Read by Sections

§ 7.9 Rivers and harbors bills in the more recent practice were read by sections rather than by paragraphs under the five-minute rule.

On Apr. 8, 1935,(1) a bill(2) was under consideration relating to construction, repair, and preservation of public works on rivers and harbors. The following exchange took place:

> MR. [JOSEPH J.] MANSFIELD [of Texas]: Under the rules of the House, bills ordinarily are read by sections. In former years rivers and harbors bills have been read either by sections or by paragraphs. I would suggest that in order to dispatch the business of the House speedily we adhere to the rule of having this bill read by sections.
>
> THE CHAIRMAN:(3) . . . [T]he last expression we have, so far as has been called to the attention of the Chair, is that decision of the Committee itself made in 1926 to the effect that bills of this character should be read by sections; and the Chair is inclined to follow the decision of the Committee made at that time.(4)

Entire Bill Was Read Prior to Amendment

§ 7.10 On one occasion, by unanimous consent, a bill was read under the five-minute rule in its entirety and then each section in its numerical order was called for amendment.

On Aug. 17, 1935,(5) the following unanimous-consent request was agreed to:

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1. 79 CONG. REC. 5268, 74th Cong. 1st Sess.
2. H.R. 6732.
3. William W. Arnold (Ill.).
4. See also 84 CONG. REC. 5654, 76th Cong. 1st Sess., May 17, 1939. Since the privilege given to the Committee on Public Works (now the Committee on Public Works and Transportation) to report rivers and harbors bills was revoked in 1975 (See *House Rules and Manual* § 726 [101st Cong.]), these measures have been considered pursuant to special resolutions reported from the Committee on Rules. Such resolutions will normally specify the mode of reading under the five-minute rule.
5. 79 CONG. REC. 13507, 74th Cong. 1st Sess. Under consideration was H.R. 9100, the Snyder-Guffey coal bill.

MR. SAMUEL B. HILL [of Washington]: Mr. Chairman, I ask unanimous consent that the bill may be read in its entirety and then be open for amendments to each section numerically. . . .

THE CHAIRMAN:(6) . . . The bill is to be read, and then amendments may be offered to any section of the bill as it is reached in numerical order. . . .

There was no objection.

Bill Read by Chapter

§ 7.11 A bill was read for amendment by chapters in the Committee of the Whole.

On July 23, 1954,(7) the following proceedings took place:

THE CHAIRMAN:(8) . . . The request is that section 1 of the bill beginning on page 1 and extending to page 102 may be read by chapter and be open to amendment by chapters, as it is read. . . .

There was no objection.

Parliamentarian's Note: During consideration of the bill, which was to amend the Atomic Energy Act of 1946, it had been observed that the first section of the bill was 102 pages long and that the sections of the bill were subdivided into chapters. (A special rule [H. Res. 630] had been adopted by the House on the preceding day which provided for reading the bill for amendment under the 5-minute rule, so that reading would ordinarily have proceeded by sections.)

Bill Comprising One Section

§ 7.12 When a bill consists of only one section, the entire bill is read before amendments may be offered.

On Mar. 13, 1963,(9) the following proceedings took place:

MR. [THOMAS B.] CURTIS [of Missouri]: At what point may one move to strike out the last word?

THE CHAIRMAN:(10) The bill consists of but one section, and under the rule the entire bill must be read without interruption.

Similarly, on July 28, 1965,(11) during consideration of a bill(12) to amend a portion of the National Labor Relations Act, the following exchange took place:

MR. [ROBERT P.] GRIFFIN [of Michigan]: If an amendment were to be offered to the provision which was just read relating to 14(b), would it have to be offered at this point, or could it be offered at the conclusion of the reading of the bill?

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6. Sam D. McReynolds (Tenn.).
7. 100 CONG. REC. 11686, 11687, 83d Cong. 2d Sess. Under consideration was H.R. 9757.
8. John Taber (N.Y.).
9. 109 CONG. REC. 4081, 88th Cong. 1st Sess. Under consideration was H.R. 2440 (Committee on Armed Services).
10. John F. Shelley (Calif.).
11. 111 CONG. REC. 18630, 18631, 89th Cong. 1st Sess.
12. H.R. 77 (Committee on Education and Labor).

The Chairman:(13) It could be offered at the conclusion of the reading of the bill, because the bill contains only one section.

Dispensing With Further Reading

§ 7.13 When a bill is being read for amendment under the five-minute rule, a motion to dispense with the further reading is not in order.

On May 1, 1947,(14) during consideration of H.R. 3203, relating to housing and rent controls, the following motion was made:

Mr. [Jesse P.] Wolcott [of Michigan]: Mr. Chairman, I move that the balance of the bill be considered as read and that all debate on the bill and all amendments thereto close at 6:45.

Mr. [John E.] Rankin [of Mississippi]: Mr. Chairman, I make the point of order that it is not in order to move to dispense with the reading of the bill. If it cannot be done by unanimous consent it cannot be done at all. It is not in order to move to dispense with the reading of the bill. . . .

The Chairman:(15) The point of order is sustained.

New Section (or Title) Preceding First Section (or Title)

§ 7.14 It is in order to offer an amendment after the first section of a bill is read to insert a section to follow after the enacting clause and to precede section 1 of the bill; and the Chair has indicated that such amendment, if offered, must be disposed of before amendments to section 1 of the bill are in order.

On Apr. 18, 1935,(16) during consideration of H.R. 7260, the social security bill, the following proceedings and inquiry occurred:

The Clerk read the title of the bill.

Mr. Monaghan rose.

The Chairman:(17) For what purpose does the gentleman rise?

Mr. [Joseph P.] Monaghan [of Montana]: I desire to propound a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Monaghan: Would it be in order, following the reading of the first title of the bill, to offer an amendment inserting a new title to precede title I of the bill? If it is in order, would such an amendment have to be disposed of before amendments to title I are offered?

The Chairman: It is in order, and it would be disposed of before amendments were offered to title I of the bill. . . .

The Clerk read as follows: . . .

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13. Leo W. O'Brien (N.Y.).

14. 93 Cong. Rec. 4412, 80th Cong. 1st Sess.

15. Thomas J. Jenkins (Ohio).

16. 79 Cong. Rec. 5948, 74th Cong. 1st Sess.

17. Sam D. McReynolds (Tenn.).

"TITLE I

"DEFINITIONS

"Section 1. . . ."

Parliamentarian's Note: Under current practice, disposition of the amendment to precede section 1 would not have priority over perfecting amendments to section 1 of the bill (or title I, where the bill is being read by titles), but would be construed as being on an equal footing with such amendments.

Sections Preceding Part I of Bill Being Considered by "Parts"

§ 7.15 Where a bill was, pursuant to a special order, being considered for amendment by "parts", and several sections preceded part I, each of those sections was considered as a separate part for the purpose of the special order.

On Aug. 2, 1977,(1) the Committee of the Whole having under consideration a bill(2) pursuant to a special order as described above, the proceedings were as follows:

> [T]he House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8444, with Mr. Boland in the chair.
>
> The Clerk read the title of the bill.
>
> THE CHAIRMAN:(3) When the Committee rose on Monday, August 1, 1977, all time for general debate had expired.
>
> Pursuant to the rule, the bill is considered by parts and each part is considered as having been read for amendment. No amendment shall be in order except pro forma amendments and amendments made in order pursuant to House Resolution 727, which will not be subject to amendment, except amendments recommended by the ad hoc Committee on Energy and amendments made in order under House Resolution 727. . . .
>
> The Clerk will designate the part of the bill now pending for consideration.
>
> The Clerk read as follows:
>
> Page 9, line 1, section 2. (Section 2 reads as follows:)
>
> SEC. 2. FINDINGS AND STATEMENT OF PURPOSES. . . .
>
> MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Chairman, so I will know how we are going to proceed, are we going to go through the bill section by section, with the reading of each section?
>
> THE CHAIRMAN: The Chair will inform the gentleman that the bill will be considered part by part with each part considered as read. The bill will not be read section by section.
>
> MR. VOLKMER: So we will continue, Mr. Chairman, with the reading of each section or part, then, and the title of the section?
>
> THE CHAIRMAN: The Chair will further inform the gentleman that section 4 precedes part I, and after that sec-

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1. 123 CONG. REC. 26124, 26125, 95th Cong. 1st Sess.
2. H.R. 8444, National Energy Act.
3. Edward P. Boland (Mass.).

tion has been disposed of, we will move to part I of the bill. We have been considering the preliminary four sections as separate parts.

Table of Contents of Bill

§ 7.16 By unanimous consent, the Committee of the Whole delayed consideration for amendment of the table of contents at the beginning of a bill until the bill had been considered for amendment in its entirety.

On Aug. 2, 1977,(4) the Committee of the Whole having under consideration H.R. 8444,(5) the unanimous-consent request described above was agreed to as indicated below:

> The Chairman:(6) When the Committee rose on Monday, August 1, 1977, all time for general debate had expired.
>
> Pursuant to the rule, the bill is considered by parts and each part is considered as having been read for amendment. No amendment shall be in order except pro forma amendments and amendments made in order pursuant to House Resolution 727, which will not be subject to amendment, except amendments recommended by the ad hoc Committee on Energy and amendments made in order under House Resolution 727.
>
> Mr. [Thomas L.] Ashley [of Ohio]: Mr. Chairman, I ask unanimous consent that the Committee amendments to the table of contents and the table of contents be passed over and considered after all other amendments have been considered, in order that they can be correctly disposed of.
>
> The Chairman: Is there objection to the request of the gentleman from Ohio?
>
> There was no objection.

Short Title and Table of Contents Considered as One Title

§ 7.17 Where a special order provides that a committee amendment in the nature of a substitute be considered by titles for amendment as original text and that each title be considered as having been read, the short title and table of contents (section 1) are considered as one title, and once that portion has been designated by the Clerk, the Clerk designates an amendment in the nature of a substitute, reported by another committee, whose (automatic) consideration has been made in order by the special order.

On May 15, 1979,(7) the Committee of the Whole having under consideration H.R. 39,(8) the

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4. 123 Cong. Rec. 26124, 95th Cong. 1st Sess.
5. National Energy Act.
6. Edward P. Boland (Mass.).
7. 125 Cong. Rec. 11051, 11052, 11086, 11088, 96th Cong. 1st Sess.
8. Alaska National Interest Lands Conservation Act of 1979.

above-stated proposition was illustrated as indicated below:

Mr. [John D.] Dingell [of Michigan]: Mr. Chairman, in order to clarify the procedures of the House, I believe it would be helpful if the House understood the rules under which we proceed.

For that reason, I would propound to the Chair a series of parliamentary inquiries.

The Chairman:[9] If the gentleman from Michigan (Mr. Dingell) would withhold for just 1 minute while the Chair reads a statement, it may clarify the situation here.

Pursuant to the rule the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs shall be considered by titles as an original bill for the purpose of amendment and each title shall be considered as having been read. The amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries shall be considered as an amendment in the nature of a substitute for the amendment recommended by the Committee on Interior and Insular Affairs and it shall be considered as having been read and it shall be in order to consider as a substitute for the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries the text of H.R. 3651 if offered by Representative Udall, and said substitute if offered shall be considered as having been read.

The Clerk will designate section 1 of the Interior and Insular Affairs Committee amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TABLE OF CONTENTS

Sec. 1. Short title and table of contents. . . .

The Chairman: Under the rule, the amendment offered by the Committee on Merchant Marine and Fisheries in the nature of a substitute is considered as having been read and open for amendment at any point.

The Clerk will now designate the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries.

The amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries reads as follows:

That this Act may be cited as the "Alaska National Interest Lands Conservation Act".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents. . . .

Mr. Dingell: . . . Mr. Chairman, I believe the Chair has set out with some clarity the parliamentary situation, but in order that it might be very clear I would direct to the Chair the following questions:

One, as I understand, the Interior Committee bill is the bill reported from the Committee on Interior and Insular Affairs, and is the principal document under which we labor. Is that correct?

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[9] Paul Simon (Ill.).

THE CHAIRMAN: The gentleman is correct.

MR. DINGELL: And made in order by the rule is the substitute which was reported from the Committee on Merchant Marine and Fisheries, is that correct?

THE CHAIRMAN: That is correct, and that is the amendment that is pending.

MR. DINGELL: And the bill from the Committee on Merchant Marine and Fisheries in the nature of a substitute is under the rule before this body without having to be offered?

THE CHAIRMAN: That is correct.

MR. DINGELL: And as I understand the rule, both bills are to be read by title. Is that correct?

THE CHAIRMAN: Only the Interior text is read by title, but at this point only section 1 of that text has been read.

MR. DINGELL: Only the Interior bill is read by title. That means, Mr. Chairman, that the Interior bill is open to amendment at any time during the reading of the title, is that correct?

THE CHAIRMAN: Only the first part of the Interior bill has been read.

MR. DINGELL: Only the first part of the Interior bill has been read, but the whole of the first part is open to amendment at this time?

THE CHAIRMAN: The only portion of the Interior text that is pending is section 1, the table of contents and the short title, up to page 7. . . .

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I offer an amendment as a substitute for the amendment in the nature of a substitute.

THE CHAIRMAN: Pursuant to the rule, the amendment offered as a substitute for the amendment in the nature of a substitute is considered as read and open to amendment at any point.

The Clerk will designate the amendment.

The amendment offered as a substitute reads as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*
>
> SHORT TITLE AND TABLE OF CONTENTS
>
> Section 1. This Act, together with the following table of contents, may be cited as the "Alaska National Interest Lands Conservation Act of 1979".
>
> TABLE OF CONTENTS
>
> Sec. 1. Short title and table of contents.

Amendment in Nature of Substitute Open to Amendment at any Point After Being Read

§ 7.18 An amendment in the nature of a substitute for a bill offered from the floor must be read in its entirety or the reading dispensed with by unanimous consent and is then open to amendment at any point, and not by sections.

On Dec. 18, 1979,(10) during consideration of H.R. 5860(11) in the

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10. 125 CONG. REC. 36791, 36793, 36794, 96th Cong. 1st Sess.

11. Authorizing loan guarantees to the Chrysler Corporation.

Committee of the Whole, the situation described above occurred as follows:

> The Clerk will designate section 1.
> Section 1 reads as follows:
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*
>
> SHORT TITLE
>
> Section 1. This Act may be cited as the "Chrysler Corporation Loan Guarantee Act of 1979".
>
> THE CHAIRMAN:[12] Are there any amendments to section 1?
>
> MR. [WILLIAM S.] MOORHEAD of Pennsylvania: Mr. Chairman, I offer an amendment in the nature of a substitute.
>
> The Clerk read as follows:
>
> Amendment in the nature of a substitute offered by Mr. Moorhead of Pennsylvania: Page 14, strike out line 10 and all that follows through page 32 and insert on lieu thereof the following:
>
> SHORT TITLE
>
> Section 1. This Act may be cited as the "Chrysler Corporation Loan Guarantee Act of 1979". . . .
>
> MR. [S. WILLIAM] GREEN [of New York]: Mr. Chairman, I have a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. GREEN: Mr. Chairman, if I have an amendment to offer to section 3 of the Moorhead substitute, may I ask, at what point is it in order to offer it?
>
> THE CHAIRMAN: The Chair will state that the gentleman's inquiry is not in order until the Moorhead amendment has been read.
>
> The Clerk will read.
>
> (The Clerk continued the reading of the amendment in the nature of a substitute.)

Substitute for Amendment in Nature of Substitute

§ 7.19 While there is pending an amendment in the nature of a substitute and an amendment thereto, a substitute for the original amendment may be offered.

On Dec. 18, 1979,[13] the Committee of the Whole having under consideration H.R. 5860,[14] the above-stated proposition was illustrated as indicated below:

> The Clerk read as follows:
>
> Amendment offered by Mr. Brademas to the amendment in the nature of a substitute offered by Mr. Moorhead of Pennsylvania: Strike line 7, page 5, through line 7, page 9, (section 4(a)(4) through section 4(d)) and replace with the following:
>
> (4) the Corporation has submitted to the Board a satisfactory financing plan which meets the financing needs of the Corporation as reflected in the operating plan for the period covered by such operating plan, and which includes, in accordance with the provisions of subsection (c), an aggregate amount of nonfederally guaranteed assistance of not less than $1,930,000,000. . . .

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[12] Richard Bolling (Mo.).

[13] 125 CONG. REC. 36794, 36801, 96th Cong. 1st Sess.

[14] Authorizing loan guarantees to the Chrysler Corporation.

MR. [WILLIAM S.] MOORHEAD of Pennsylvania: If the gentleman from Indiana (Mr. Quayle) should decide to offer his substitute to the Moorhead-McKinney amendment before the vote on the Brademas amendment, it would be in order, would it not?

THE CHAIRMAN:(15) It would be in order to offer it. . . .

AMENDMENT OFFERED BY MR. QUAYLE AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MOORHEAD OF PENNSYLVANIA

MR. [DAN] QUAYLE [of Indiana]: Mr. Chairman, I offer an amendment as a substitute for the amendment in the nature of a substitute.

Amendment to Original Text Where Amendment in Nature of Substitute Pending

§ 7.20 Where there is pending an amendment in the nature of a substitute for an entire measure, it is in order to offer a perfecting amendment to that portion of the original text which has been read.

The proceedings of Apr. 13, 1983,(16) during consideration of House Joint Resolution 13 (concerning a nuclear weapons freeze), provide an instance in which a Member had two amendments pending to the original text at the same time—first, an amendment in the nature of a substitute, and then a perfecting amendment to the original text.

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I have a perfecting amendment at the desk to section 2 of House Joint Resolution 13.

THE CHAIRMAN:(17) The Chair will advise that perfecting amendments to the underlying text are in order at this time while the Levitas amendment in the nature of a substitute is pending. But the Chair will also point out that if any Member is recognized to offer a perfecting amendment at this time, debate will not be limited on the perfecting amendment and the vote will first come on the perfecting amendment and on any potential amendments thereto before the question is put on the Levitas substitute.

Committee Amendment Not Open to Amendment After Amendment in Nature of Substitute Offered Thereto

§ 7.21 Where pursuant to a special rule the first section of a committee amendment in the nature of a substitute had been read for amendment, and there was pending an amendment in the nature of a substitute for the committee amendment, an amendment thereto and a substitute therefor, the Chair indicated in response to a parliamentary inquiry that the amendment in the nature of a

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15. Richard Bolling (Mo.).

16. 129 CONG. REC. 8402, 98th Cong. 1st Sess.

17. Matthew F. McHugh (N.Y.).

substitute for the committee amendment, and the substitute therefor, could each be perfected by amendment before a vote was had on the substitute, but that the original committee amendment had not been read and was not open to amendment.

On Feb. 5, 1976,(18) during consideration of a bill(19) in the Committee of the Whole, the Chair responded to a parliamentary inquiry regarding the situation described above. The proceedings were as follows:

> THE CHAIRMAN:(20) When the Committee rose on yesterday there was pending an amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Krueger) for the substitute committee amendment; an amendment offered by the gentleman from Texas (Mr. Eckhardt) to the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Krueger) and a substitute amendment offered by the gentleman from Iowa (Mr. Smith) for the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Krueger). . . .
>
> MR. [BOB] ECKHARDT: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state the parliamentary inquiry. . . .
>
> MR. ECKHARDT: Mr. Chairman, do I correctly understand the parliamentary situation to be this, that there is before the House as one item of legislation which may be amended, the original bill from the committee?
>
> There is also the Krueger amendment in the form of a substitute, made in order, of course, by the Committee on Rules as a rule; and there is also another substitute, the Smith amendment, that is before the body, that these three all may be amended; but no more than one amendment to each may be available for consideration of the House at any given time?
>
> THE CHAIRMAN: The Chair will state that the gentleman is nearly correct. The basic bill, the basic committee product, has not been read. Therefore, it is not subject to amendment at this point.
>
> The Krueger amendment is subject to amendment, and there is pending to the Krueger amendment the gentleman's amendment. The Smith substitute for the Krueger amendment is pending to the Krueger amendment, and it can be amended. There is no amendment pending to the Smith substitute at this time.
>
> MR. ECKHARDT: Let me put it this way: It would be appropriate to vote on an amendment pending to the Krueger amendment prior to the time a vote would be taken with respect to the Smith substitute?
>
> THE CHAIRMAN: That is correct.
>
> MR. ECKHARDT: In other words, each of the pieces of legislation before us is subject to being perfected before a choice is made between the two?

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18. 122 CONG. REC. 2623, 94th Cong. 2d Sess.
19. H.R. 9464, Natural Gas Emergency Act of 1976.
20. Richard Bolling (Mo.).

THE CHAIRMAN: That is correct.

Parliamentarian's Note: Only the first section of the basic committee amendment had been read. The remainder would be subject to amendment, as read, if the Krueger amendment were ultimately defeated.

Special Order Providing for Consideration of Amendment Without Requiring That It Be Offered

§ 7.22 Where a special order adopted by the House provides that in lieu of committee amendments printed in a bill, it shall be in order to consider a designated amendment in the nature of a substitute as an original bill for amendment in Committee of the Whole, but does not require that the amendment be offered, the Chair directs the Clerk to read the amendment for consideration as original text for the purpose of amendment and no motion from the floor is required.

On July 14, 1978,[1] during consideration of a bill[2] in the Committee of the Whole, the proceedings described above were as follows:

THE CHAIRMAN:[3] . . . Pursuant to the rule the Clerk will now read . . . the amendment in the nature of a substitute printed in the Congressional Record of June 23, 1978, by Representative Fuqua of Florida as an original bill for the purpose of amendment in lieu of the amendments now printed in the original bill.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in accordance with section 261 of the Atomic Energy Act of 1954 (42 U.S.C. 2017) . . . there is hereby authorized to be appropriated to the Department of Energy for the fiscal year 1979, for energy research and development and related activities, the sum of the following amounts. . . .

MR. [WALTER] FLOWERS [of Alabama]: Madam Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Flowers:
>
> On page 10, lines 16 and 17, strike the amount "$465,301,000" and substitute in lieu thereof "$306,401,000."

MR. [JOHN W.] WYDLER [of New York]: Madam Chairman, a parliamentary inquiry: What is the bill that is actually before the Committee at the present time? Are we on the substitute bill?

THE CHAIRMAN: We are on the amendment offered by the gentleman from Florida (Mr. Fuqua), which is made in order by the rule.

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[1] 124 CONG. REC. 20992–95, 95th Cong. 2d Sess.

[2] H.R. 12163, Department of Energy authorizations. The bill was being considered pursuant to H. Res. 1261.

[3] Barbara Jordan (Tex.).

Parliamentarian's Note: If a special order provides that it shall be in order to consider an amendment "if offered" as an amendment in the nature of a substitute, the amendment must be offered from the floor (after the first section of the bill is read).

Motion To Limit Debate Where Bill Has Not Been Read

§ 7.23 Where there was pending an amendment in the nature of a substitute for a bill and amendments thereto, the Chair indicated in response to parliamentary inquiries that a motion to limit debate on the amendment in the nature of a substitute and all amendments thereto was in order although the bill itself had not been read, and that all Members would be allocated equal time under the limitation regardless of committee membership but that Members seeking to offer amendments could be first recognized.

On June 10, 1976,[4] the Committee of the Whole had under consideration H.R. 13367,[5] with an amendment in the nature of a substitute and amendments thereto pending, when a motion was offered to limit debate, as described above. The proceedings were as follows:

> MR. [FRANK] HORTON [of New York]: Mr. Chairman, I move that all debate on the Brooks amendment and all amendments thereto end by 6 p.m. . . .
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, is there any reason for the Clerk to read? I do not remember the bill being open at any point to amendment.
>
> THE CHAIRMAN:[6] The motion of the gentleman from New York, as the Chair understood it, was that all debate on the Brooks amendment and all amendments thereto end at 6 p.m.
>
> MR. BAUMAN: So that the motion is in order?
>
> THE CHAIRMAN: The motion is in order. It is limited to the Brooks amendment and amendments thereto. . . .
>
> MR. [J. J.] PICKLE [of Texas]: Mr. Chairman, under the proposed time limitation, would the Chair tend to recognize a Member who is not a member of the committee? For instance, the gentleman from Washington (Mr. Adams) has an important amendment, and if he is not recognized within the time limitation, would the chairman of the committee let the gentleman be recognized? . . .
>
> THE CHAIRMAN: The Chair will state that under limitation of time committee members no longer have priority in

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[4] 122 CONG. REC. 17380, 17381, 94th Cong. 2d Sess.

[5] A bill to amend and extend the State and Local Fiscal Assistance Act of 1972.

[6] Gerry E. Studds (Mass.).

seeking recognition. Time is equally allocated.

So the motion was agreed to.

The Chairman: . . . The Chair would ask that Members with amendments to be offered seek recognition first, and the Chair would request that Members attempt to address themselves to the amendments.

Amendment Not Covered Under Limitation on Debate

§ 7.24 Where debate has been limited on a pending section and all amendments thereto and time allocated among those Members desiring to offer amendments to that section, the Chair may decline to recognize a Member to offer an amendment adding a new section and therefore not covered by the limitation, until perfecting amendments to the pending section have been disposed of under the limitation.

On June 26, 1979,(7) the Committee of the Whole having under consideration H.R. 3930,(8) the above-stated proposition was illustrated as indicated below:

Amendment offered by Mr. Udall: Page 8, after line 13 add the following new section and renumber the subsequent sections accordingly:

Sec. 4. The Secretary of Energy is hereby authorized to designate a proposed synthetic fuel or feedstock facility as a priority synthetic project pursuant to the procedures and criteria provided in this section.

(2) For the purposes of this section the term—

(A) Synthetic fuel or feedstock facility means any physical structure, including any. . . .

Mr. [Clarence J.] Brown of Ohio (during the reading): Mr. Chairman, a point of order.

The Chairman:(9) The gentleman will state it.

Mr. Brown of Ohio: Mr. Chairman, is this amendment to section 3 or section 4?

Mr. [Morris K.] Udall [of Arizona]: This is an amendment to section 3, the Udall fast-track amendment, which cuts through the redtape.

Mr. Brown of Ohio: The copy I have indicates that it is to section 4, Mr. Chairman. Is that correct?

Mr. Udall: I had modified it to apply to section 3.

The Chairman: The Clerk will cease reading the amendment.

The Chair will advise the gentleman from Arizona that this amendment currently being read adds a new section 4, and is not covered by the limitation on time, and should not be offered at this time.

Mr. Brown of Ohio: Mr. Chairman, a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Brown of Ohio: Mr. Chairman, if I understand correctly, the gentle-

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7. 125 Cong. Rec. 16679, 16680, 96th Cong. 1st Sess.

8. Defense Production Act Amendments of 1979.

9. Gerry E. Studds (Mass.).

man was recognized on the basis that the amendment had not been printed in the Record, and therefore it would not be appropriate under this limitation for it to be considered at all, is that not correct?

MR. UDALL: I had intended—I had so instructed the Clerk to change this to an amendment to section 3, not section 4.

THE CHAIRMAN: The amendment, the Chair states to the gentleman, would have to be submitted to the Clerk.

MR. BROWN of Ohio: My point of order is sustained or—

THE CHAIRMAN: Yes. The Chair will advise the gentleman from Arizona that he is within his rights to redraft the amendment as an amendment to section 3, but the Chair understood that is not the amendment currently being read.

MR. UDALL: I so offer it as an amendment to section 3.

THE CHAIRMAN: The Clerk will report the amendment.

Distribution by Clerk of Copies of Amendments

§ 7.25 While Rule XXIII clause 5 imposes a duty on the Clerk to transmit to the majority and minority committee tables five copies of any amendment offered in Committee of the Whole, a point of order against the amendment does not lie based upon the inability of the Clerk to comply with that requirement.

On Mar. 25, 1976,(10) the Committee of the Whole having under consideration H.R. 12566,(11) a point of order was raised against an amendment and the Chair ruled as indicated above:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Bauman: On page 6, line 3 insert the following new section, and renumber the succeeding sections;
>
> "Sec. 9. Notwithstanding any other provision of law the Director of the National Science Foundation shall keep all Members of Congress . . . informed with respect to all the activities of the National Science Foundation. . . .

MR. [JAMES W.] SYMINGTON [of Missouri]: Mr. Chairman, a point of order. We do not have five copies of the amendment as far as I can tell.

THE CHAIRMAN:(12) That is not a point of order, although the Chair hopes the copies will be provided.

§ 7.26 No point of order lies against an amendment on the grounds that copies thereof are not available to Members, as Rule XXIII clause 5, places upon the Clerk the responsibil-

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10. 122 CONG. REC. 7997, 94th Cong. 2d Sess. See also § 1, supra, for further discussion of the requirement that copies of amendments be distributed.
11. National Science Foundation authorization, fiscal 1977.
12. George E. Danielson (Calif.).

ity to distribute copies to the committee tables and cloakrooms.

On Sept. 15, 1977,[13] during consideration of H.R. 3744,[14] in the Committee of the Whole, the above-described proceedings were as indicated:

> Mr. Phillip Burton [of California]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Phillip Burton: Page 9, insert after line 5 of the following:
> >
> > (b) Section 6 (29 U.S.C. 206) is amended by adding at the end the following:
> >
> > "(9)(1) Every employer shall pay to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, wages at the following rates: during the period ending December 31, 1977, not less than $2.30 an hour. . . .
>
> Mr. [Clifford R.] Allen [of Tennessee]: Mr. Chairman, a point of order. I can find no copy of this amendment. I would like to be able to read the amendment and I believe under the rules a certain number of copies are supposed to be available.
>
> The Chairman:[15] The gentleman does not state a point of order.

Placing Amendment on Clerk's Desk

§ 7.27 Amendments at the Clerk's desk must be offered by a Member before they will be read by the Clerk.

On Dec. 14, 1973,[16] the Chair indicated the procedure by which amendments are offered and read:

> Mr. [Robert] McClory [of Illinois]: Mr. Chairman, a parliamentary inquiry. . . .
>
> Mr. Chairman, I assume that the procedure will be to read each of the amendments that remain at the Clerk's desk?
>
> The Chairman:[17] The Chair will state to the gentleman from Illinois that the Member having the amendment to offer would have to rise and offer the amendment before it could be read by the Clerk.

Advice by Chair as to Offering

§ 7.28 It is not within the province of the Chair to advise Members where an amendment may be in order in a bill.

On June 19, 1939,[18] the Chair addressed an inquiry, as follows:

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[13] 123 Cong. Rec. 29440, 95th Cong. 1st Sess.

[14] Fair Labor Standards Act of 1977.

[15] William H. Natcher (Ky.).

[16] 119 Cong. Rec. 41731, 93d Cong. 1st Sess. Under consideration was H.R. 11450 (Committee on Interstate and Foreign Commerce).

[17] Richard Bolling (Mo.).

[18] 84 Cong. Rec. 7500, 7501, 76th Cong. 1st Sess. Under consideration was H.R. 6851, the revenue bill of 1939 (Committee on Ways and Means).

The Chairman:(19) . . . [T]he amendment offered by the gentleman is not germane to the subject matter of title IV.

Mr. [William J.] Miller [of Connecticut]: Would it be in order to ask the Chair this question: Where or when could such an amendment be offered?

The Chairman: It is not within the province of the Chair to state that.

Time for Making Points of Order

§ 7.29 Points of order against the text of a title of a committee amendment in the nature of a substitute being read by title must be made immediately after unanimous consent is granted to consider the title as read and open to amendment, but such consent does not affect points of order which might lie against amendments to that title or against a subsequent title not yet read.

On Oct. 5, 1972,(20) the following proceedings took place:

Mr. [James C.] Wright [Jr., of Texas] (during the reading): Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the Record, and open to amendment at any point. . . .

Mr. [Durward G.] Hall [of Missouri]: Mr. Chairman, reserving the right to object, under the reservation I would make a parliamentary inquiry as to whether or not points of order would have to be lodged, that might be appropriate against title I, at this time, if such unanimous-consent request is granted.

The Chairman:(1) No. The Chair will state to the gentleman, under the rule the committee amendment in the nature of a substitute is read as an original bill by title for the purpose of amendment. It is the understanding of the Chair that points of order would need to be lodged only at the time a particular amendment were offered.

If the gentleman wished to raise a point of order as to the text of title I, that point of order would need to be lodged immediately upon the granting of the unanimous-consent request now pending before the committee. . . .

The only thing pending before the committee is the unanimous-consent request relating to title I. The granting of that request would have no effect on the parliamentary situation as to subsequent titles.

§ 7.30 The Chair entertained a point of order against a portion of a paragraph which had been passed in the reading for amendment, where the Committee of the Whole had agreed that the entire bill (rather than the remainder of the bill) would be open to any point of order and where the point of order was conceded by the manager of the bill.

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19. Fritz G. Lanham (Tex.).

20. 118 Cong. Rec. 34115, 92d Cong. 2d Sess. Under consideration was H.R. 16656 (Committee on Public Works).

1. Morris K. Udall (Ariz.).

On June 7, 1972,(2) a unanimous-consent request was agreed to:

Mr. [William H.] Natcher [of Kentucky] (during the reading): Mr. Chairman, I ask unanimous consent that the bill be considered as read, open to amendment at any point, and subject to any points of order. . . .

There was no objection. . . .

Mr. [Durward G.] Hall [of Missouri]: Mr. Chairman, my point of order should lie on page 3, line 8, following the colon, against the phrase:

> *Provided,* That the certificates of the Commissioner (for $2,500) and of the Chairman of the City Council (for $2,500) shall be sufficient voucher for expenditures. . . .

The Chairman:(3) The Chair will state to the gentleman from Missouri that that part of the bill to which the gentleman has raised his point of order was previously read prior to the unanimous-consent request.

Mr. Hall: But, Mr. Chairman, I submit that the unanimous-consent request was granted to the entire bill, that it be open to amendment and open for points of order at any point. This request was granted and therefore I have gone back to this point of order. . . .

Mr. Natcher: Mr. Chairman, the gentleman from Missouri (Mr. Hall) is correct, and we concede the point of order.

Disposition of Points of Order Preceding Amendment

§ 7.31 Points of order raised against a proposition must be disposed of before amendments are in order.

On May 14, 1937,(4) the Committee of the Whole had under consideration H.R. 6958, Interior Department appropriations for 1938:

The Clerk read as follows:

INDUSTRIAL ASSISTANCE AND ADVANCEMENT

For the preservation of timber on Indian reservations. . . .

Mr. [Gerald J.] Boileau [of Wisconsin]: Mr. Chairman, I reserve the point of order against the proviso and move to strike out the last word. . . .

I do not withdraw my reservation of the point of order, Mr. Chairman, but I have an amendment that I desire to offer.

The Chairman:(5) The point of order will have to be disposed of before an amendment is in order.

Amendment Inserting New Section or Title To Follow Pending Section

§ 7.32 Amendments to the pending section of a bill should be disposed of prior to consideration of amendments inserting

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2. 118 Cong. Rec. 19900, 19901, 92d Cong. 2d Sess. Under consideration was H.R. 15259 (Committee on Appropriations).
3. Dante B. Fascell (Fla.).
4. 81 Cong. Rec. 4596, 4597, 75th Cong. 1st Sess.
5. Jere Cooper (Tenn.).

a new section immediately thereafter.

On Mar. 20, 1975,(6) the Committee of the Whole having under consideration a bill,(7) an amendment was offered to a pending section and the following proceedings occurred:

MR. [PETER A.] PEYSER [of New York]: Mr. Chairman, I offer an amendment.

MR. [JAMES M.] JEFFORDS [of Vermont]: Mr. Chairman, I offer an amendment which I believe comes before that offered by the gentleman from New York.

THE CHAIRMAN:(8) The Chair will advise the gentleman from Vermont (Mr. Jeffords) that his amendment is to section 2, while the amendment offered by the gentleman from New York (Mr. Peyser) would provide a new section 3. If the gentleman from Vermont insists, his amendment is in order at this time.

MR. JEFFORDS: Mr. Chairman, I do insist and I do desire to have my amendment considered at this time. . . .

MR. PEYSER: Mr Chairman, I may be mistaken, but I do not believe the amendment I have at the desk forms a new section, but follows on line 16 of the page.

THE CHAIRMAN: But the point made by the Chair is that the amendment offered by the gentleman from New York does provide a new section 3 and may be offered following disposition of amendments to section 2.

MR. JEFFORDS: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Jeffords: Page 3, after line 6 strike out "the support price of milk shall be established at no less than 80 per centum of the parity price therefor."

§ 7.33 The Chair inquires whether any Member seeks to offer an amendment to the pending portion of a bill before recognizing a Member to offer an amendment inserting a new section or title thereafter.

The following exchange occurred on May 3, 1984,(9) during consideration of H.R. 4275, the Federal Reclamation Hydroelectric Powerplants Authorization Act:

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I have an amendment at the desk which adds a new title III, and I will offer it now if this is the appropriate time.

THE CHAIRMAN:(10) First the Chair will inquire, are there further amendments to title II?

If not, are there further amendments?

MR. UDALL: Mr. Chairman, I have an amendment at the desk adding a new title III, and I offer it at this time.

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6. 121 CONG. REC. 7665, 94th Cong. 1st Sess.
7. H.R. 4296, emergency price supports for 1975 crops.
8. John Brademas (Ind.).
9. 130 CONG. REC. 10955, 10956, 98th Cong. 2d Sess.
10. Ronnie G. Flippo (Ala.).

THE CHAIRMAN: The Clerk will report the amendment.

—Effect of Adoption

§ 7.34 In response to a parliamentary inquiry, the Chair indicated that the adoption of an amendment adding a new section to a bill would preclude further amendment to the pending section.

On Mar. 20, 1975,(11) during consideration of a bill(12) in the Committee of the Whole, a parliamentary inquiry was addressed to the Chair and the proceedings were as follows:

> MR. [PETER A.] PEYSER [of New York]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Peyser: Page 3, immediately after line 16, insert the following new section:
> >
> > "Sec. 3. Notwithstanding any other provision of law, there shall be no acreage allotment, marketing quota or price support for rice effective with the 1975 crop of such commodity."
>
> Mr. [Thomas S.] Foley [of Washington] reserved a point of order on the amendment.
>
> MR. [STEVEN D.] SYMMS [of Idaho]: Mr. Chairman, I have a parliamentary inquiry.
>
> THE CHAIRMAN:(13) The gentleman will state his parliamentary inquiry.
>
> MR. SYMMS: Mr. Chairman, I have another amendment to section 2 of the bill. Will this amendment preclude the offering of the next amendment?
>
> THE CHAIRMAN: It will if the amendment is agreed to.

Amendment Adding New Section at End of Bill

§ 7.35 An amendment adding a new section at the end of a bill is in order when the last section of the bill has been read for amendment and no amendments to that section are offered.

An example of the proposition described above occurred on June 26, 1984,(14) during consideration of H.R. 5490, the Civil Rights Act of 1984. The proceedings in the Committee of the Whole were as follows:

> THE CHAIRMAN:(15) Are there any further amendments to title IV?
>
> If not, the Clerk will read.
>
> The Clerk read as follows:
>
> > Sec. 5. (a) Section 601 of the Civil Rights Act of 1964 (hereafter in this section referred to as the "Act") is amended—
> >
> > (1) by striking out "in" the second time it appears;

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11. 121 CONG. REC. 7666, 94th Cong. 1st Sess.
12. H.R. 4296, emergency price supports for 1975 crops.
13. John Brademas (Ind.).
14. 130 CONG. REC. 18857, 18858, 98th Cong. 2d Sess.
15. Al Swift (Wash.).

(2) by striking out "the benefits of" and inserting in lieu thereof "benefits". . . .

Mr. [Steve] Bartlett [of Texas]: Mr. Chairman, I have an amendment which would create a section 6. Is now the appropriate time to offer it, or should I wait until the completion of section 5?

The Chairman: If there are no amendments to section 5 and when it is determined there are no amendments to section 5, the Chair will recognize the gentleman for his amendment.

Mr. Bartlett: I thank the Chair.

The Chairman: Are there any amendments to section 5?

Hearing none, the Chair will recognize the gentleman from Texas (Mr. Bartlett) for his amendment.

Substitute Adding Language at End Offered for Amendment Making Changes Within Section

§ 7.36 **For a perfecting amendment making several changes in a pending section, a substitute adding language at the end of the section rather than striking and inserting within the section was held in order since relating to the same subject as the amendment.**

On Aug. 1, 1978,(16) during consideration of H.R. 12514(17) in the Committee of the Whole, it was held that a substitute for a pending amendment could be offered to change a different or lesser portion of the pending section if it related to the same subject matter as the amendment. The proceedings were as follows:

Mr. [Edward J.] Derwinski [of Illinois]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Derwinski as a substitute for the amendment offered by Mr. Stratton: Page 18, immediately after line 4, insert the following new subsection:
>
> (e) It is the sense of the Congress that further withdrawal of ground forces of the United States from the Republic of Korea may seriously risk upsetting the military balance in that region and requires full advance consultation with the Congress. . . .

Mr. [Samuel S.] Stratton [of New York]: Mr. Chairman, a point of order.

The Chairman:(18) The gentleman will state his point of order.

Mr. Stratton: Mr. Chairman, do I understand that the gentleman's amendment is a substitute for my amendment.

The Chairman: That is correct. It is a substitute for the amendment offered by the gentleman from New York.

Mr. Stratton: Mr. Chairman, unless I am mistaken, the gentleman has not bothered to look at my amendment. My amendment makes specific changes in the text in section 19. I am not clear

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16. 124 Cong. Rec. 23732, 95th Cong. 2d Sess.

17. The International Security Assistance Act of 1978.

18. Don Fuqua (Fla.).

where the gentleman's amendment would come in section 19. He cannot substitute a straight wording, as I understand it, for something that has a series of changes in 3 pages of a particular section.

Mr. Derwinski: Mr. Chairman, my amendment would come at the end of section 19.

The Chairman: The Chair might inform the gentleman from New York that it is a proper substitute amendment. Both the proposed amendment and the substitute are perfecting amendments to the section and deal with the same subject.

Amendment to Committee Amendment That Is Not Pending

§ 7.37 An amendment may not be offered to a committee amendment that is not yet pending.

On Apr. 6, 1978,(19) the Committee of the Whole having under consideration H.R. 10899,(20) the above-stated proposition was illustrated as indicated below:

> **The Chairman:**(1) The Clerk will report the first committee amendment.
>
> The Clerk read as follows:
>
> Committee amendment: Page 14, strike out lines 2 through 15 and insert in lieu thereof the following:
>
> Sec. 5. (a) Except as provided by subsection (b)—
>
> (1) No foreign bank may directly or indirectly operate a Federal branch outside its home State. . . .
>
> **Mr. [William S.] Green** [of New York]: Mr. Chairman, I offer an amendment to the committee amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Green to the committee amendment: On page 16, line 10, strike "May 1, 1978" and insert in lieu thereof "May 23, 1977.". . .
>
> **The Chairman:** The Chair wishes to announce that the amendment offered by the gentleman from New York (Mr. Green) is technically an amendment to the second committee amendment which is not before the committee at this time. Therefore, it can be offered at the appropriate time, when the next committee amendment has been reported.

Amendment to Amendment That Has Not Yet Been Offered

§ 7.38 An amendment to an amendment that has not yet been offered is not in order.

On Sept. 8, 1976,(2) the Committee of the Whole having under consideration H.R. 10498,(3) an amendment was offered and proceedings occurred as indicated below:

> **Mr. [Andrew] Maguire** [of New Jersey]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:

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19. 124 Cong. Rec. 9090, 9097, 95th Cong. 2d Sess.
20. International Banking Act of 1978.
1. Richard Nolan (Minn.).
2. 122 Cong. Rec. 29231, 94th Cong. 2d Sess.
3. The Clean Air Act Amendments of 1976.

Amendment offered by Mr. Maguire——

The Chairman:[4] Is this an amendment to the committee amendment in the nature of a substitute?

Mr. Maguire: Yes; this is the amendment to section 108.

The Clerk read as follows:

> Amendment offered by Mr. Maguire: In the last sentence of section 160(c)(1) of the text inserted by the Rogers amendment. . . .

Mr. Maguire (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and I will explain it. . . .

The Chairman: Before the Clerk reads further, the Chair would like to advise the gentleman from New Jersey that the amendment is not properly drafted as an amendment to the committee bill, but has been drafted as an amendment to an amendment which has not been offered.

Amendment Offered to Amendment Before Vote

§ 7.39 An amendment must be offered to an amendment before the vote thereon.

On May 4, 1983,[5] the Committee of the Whole having under consideration House Joint Resolution 13, the above-stated proposition was illustrated as indicated below:

Mr. [Norman D.] Dicks [of Washington]: Mr. Chairman, my parliamentary inquiry is if I want to offer an amendment to the amendment offered by the gentleman from Georgia I have to do it before the vote on his amendment; is that not correct?

Is this the appropriate time to offer that amendment?

The Chairman:[6] The gentleman is correct.

Mr. Dicks: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Dicks as a substitute for the amendment offered by Mr. Levitas: In view of the matter proposed to be inserted, insert the following: "with negotiators proceeding immediately to pursuing reductions.".

Substitute for Amendment in Order Before Question Put

§ 7.40 As long as the Chair has not put the question on an amendment, a substitute is in order therefor.

An example of the proposition described above occurred on June 14, 1979,[7] during consideration of H.R. 4388[8] in the Committee of the Whole. The proceedings were as follows:

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[4] J. Edward Roush (Ind.).

[5] 129 Cong. Rec. 11074, 98th Cong. 1st Sess.

[6] Matthew F. McHugh (N.Y.).

[7] 125 Cong. Rec. 14993, 14994, 96th Cong. 1st Sess.

[8] The Energy and Water Development Appropriation Bill for fiscal year 1980.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I offer an amendment as a substitute for the amendment, as amended. . . .

MR. [TOM] BEVILL [of Alabama]: Mr. Chairman, on the amendment, as amended, I ask for a rollcall vote.

THE CHAIRMAN:(9) The Chair has not yet put the question on the amendment, as amended.

MR. BEVILL: I ask for a vote then.

MR. DINGELL: Mr. Chairman, I happen to have an amendment in the nature of a substitute.

THE CHAIRMAN: The Chair had recognized the gentleman from Michigan and asked him for what purpose he sought recognition. The gentleman indicated that he had an amendment.

MR. [MIKE] MCCORMACK [of Washington]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. MCCORMACK: Mr. Chairman, when the gentleman from Alabama, the chairman of the subcommittee, requested an agreement to end debate, there was no objection on the amendment and amendments thereto. At that point the vote was put.

I suggest to the Chair that it is in order now to vote on the amendment.

MR. DINGELL: Mr. Chairman, I have an amendment I desire to offer as a substitute at this time.

THE CHAIRMAN: The Chair will indicate to the gentleman from Washington that we are operating under a time limit; however, that does not exclude the possibility of offering an amendment as a substitute, though no debate will be in order in the absence of a unanimous-consent request.

Therefore, the Clerk will read the amendment.

Debate on Amendment Concluded Before Substitute Offered

§ 7.41 The House having adopted a special order governing consideration of a bill in Committee of the Whole providing for the consideration of a substitute for a designated amendment, but also providing that "before the consideration of any amendments to said amendment, it shall be in order to debate said amendment for not to exceed one hour", debate on the amendment must conclude before the substitute may be offered (unless otherwise provided by unanimous consent).

On Aug. 15, 1986,(10) during consideration of H.R. 4428(11) in the Committee of the Whole, the proceedings described above occurred as follows:

THE CHAIRMAN PRO TEMPORE:(12) When the Committee of the Whole

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9. Philip R. Sharp (Ind.).

10. 132 CONG. REC. 22050, 22051, 99th Cong. 2d Sess.

11. The Department of Defense Authorization, fiscal year 1987.

12. Marty Russo (Ill.).

rose on Thursday, August 14, 1986, amendment numbered 113 made in order pursuant to paragraph 3 of the House Resolution 531 had been completed.

It is in order to consider an amendment if offered by Representative Hawkins relating to the application of the Davis-Bacon Act at this point, which shall not be subject to amendment except a substitute if offered by Representative Dickinson consisting of the text of amendment numbered 114 printed in House Report 99-766, which shall not be subject to amendment.

The amendment and the substitute shall each be debatable for 1 hour equally divided and controlled by the proponent and a Member opposed thereto.

MR. [AUGUSTUS F.] HAWKINS [of California]: Mr. Chairman, I offer an amendment. . . .

MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Chairman, in order to clarify the parliamentary situation, Mr. Chairman, I would like to get a ruling from the Chair as to the procedure.

The Chair has already announced the preference of offering the amendments and what would be availabe as a substitute. My question is, Under the rule, is it correct to say that Mr. Hawkins would offer an amendment which would give him 1 hour to be divided, half by him and half by some Member in opposition, which in this case would be myself?

At the end of that time, then the substitute, which I have, would be offered and there would be another hour of debate, or is there another allocation of time?

THE CHAIRMAN PRO TEMPORE: That would be the scenario, the Chair will state. . . . If the gentleman from California (Mr. Hawkins) would yield to the gentleman at this point, we could have both the amendments pending at the same time by unanimous consent.

MR. DICKINSON: Mr. Chairman, it was my thinking that perhaps it would be advantageous, rather than having the gentleman go forward for an hour and my going forward an hour, if we would agree that there would be a total of 2 hours, half of which the gentleman would control and half of which I would control. . . .

THE CHAIRMAN PRO TEMPORE: The Chair needs to make a clarification.

The Chair will state that under the rule, the gentleman's amendment has to be debated for 1 hour.

MR. DICKINSON: Well, that was my question.

THE CHAIRMAN PRO TEMPORE: Before the substitute can be offered.

Amendment Unrelated to Amendment to Which Offered

§ 7.42 Where no point of order was raised against an amendment which was improperly drafted and unrelated to the amendment to which offered, the Chair indicated in response to a parliamentary inquiry that if the amendment were adopted, it would be engrafted onto the amendment to which offered.

On Sept. 8, 1976,(13) during consideration of H.R. 10498 (the

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13. 122 CONG. REC. 29234-36, 94th Cong. 2d Sess.

Clean Air Act Amendments of 1976), several parliamentary inquiries were directed to the Chair regarding an amendment. The proceedings were as indicated below:

MR. [PAUL G.] ROGERS [of Florida]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Rogers: Page 216, after line 23, insert:
>
> (f) The Clean Air Act, as amended by sections 306, 201, 304, 312, 313, 108, and 211 of this Act, is further amended by adding the following new section at the end thereof:
>
> "NATIONAL COMMISSION ON AIR QUALITY
>
> "Sec. 325. (a) There is established a National Commission on Air Quality which shall study and report to the Congress on—
>
> "(1) the effects of the implementation of requirements on the States or the Federal Government under this Act to identify and protect from significant deterioration of air quality, areas which have existing air quality better than that specified under current national primary and secondary standards. . . .

MR. [ANDREW] MAGUIRE [of New Jersey]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Maguire to the amendment offered by Mr. Rogers: In the last sentence of section 160(c)(1) of the text inserted by the Rogers amendment, strike out ", class II, or class III" and substitute "or class II". . . .

MR. [JAMES T.] BROYHILL [of North Carolina]: My parliamentary inquiry further would be is it the intention to strike out the language offered by the gentleman from Florida and insert this language in lieu of that language? . . .

THE CHAIRMAN:(14) . . . The Chair cannot comment further on the offering of the amendment to the amendment, since a point of order was not raised at the appropriate time. . . .

MR. BROYHILL: . . . If the Maguire amendment to the amendment were adopted, would the Committee then be voting on the language that is in the amendment offered by the gentleman from Florida (Mr. Rogers) and the amendment that has been offered by the gentleman from New Jersey (Mr. Maguire)? Would we then be acting on the language offered by both the gentlemen or just one?

THE CHAIRMAN: The Chair would first put the question on the amendment offered by the gentleman from New Jersey to the amendment offered by the gentleman from Florida. If that amendment should prevail the question would then be propounded on the amendment offered by the gentleman from Florida as amended.

MR. BROYHILL: . . . I would like to ask would the amendment be the language offered by both gentlemen or just the language offered by the gentleman from New Jersey? . . .

THE CHAIRMAN: The amendment offered by the gentleman from New Jersey is before the Committee, and if the amendment offered by the gentleman from New Jersey is adopted, then it would be engrafted as an amendment to the amendment offered by the gentleman from Florida, and then the question before the Committee would

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14. J. Edward Roush (Ind.).

be on the Rogers amendment as so amended.

Original Bill Considered After Amendment in Nature of Substitute Voted Down

§ 7.43 Where a rule provides for consideration of a committee amendment in the nature of a substitute as an original bill for amendment, such substitute is read by sections for amendment, at the conclusion of which the question is on agreeing to the amendment in the nature of a substitute or the substitute as amended; if the committee amendment is voted down, the original bill is then read for amendment

On June 13, 1939,(15) the House had under consideration a special rule (H. Res. 219) providing for consideration of S. 1796, an act to amend the Tennessee Valley Authority Act of 1933. The rule provided for consideration of a committee amendment in the nature of a substitute as an original bill for amendment. A parliamentary inquiry arose as follows:

MR. [JOHN E.] RANKIN [of Mississippi]: As I understand the situation now, the entire Senate bill has been stricken out and the House bill inserted as an amendment, so at the completion of the consideration under the 5-minute rule the vote will come on adopting the House bill as an amendment. If that is voted down, then the Senate bill will be before the House for a vote.

THE SPEAKER:(16) As the Chair understands the parliamentary situation, under the rule the House substitute amendment for the Senate bill will be considered by sections as an original bill, open to germane amendment. At the conclusion of the reading for amendment the question will be put on agreeing to the substitute, or the substitute as amended, for the Senate bill.

MR. RANKIN: If that is voted down, as I understand it, the original Senate bill will be before the House.

THE SPEAKER: If the committee substitute amendment is voted down, that will leave the Senate bill before the Committee of the Whole for consideration.

§ 7.44 Where a special order adopted by the House provides that it shall be in order to consider the text of a bill as an amendment in the nature of a substitute for the pending bill and that said amendment shall be considered before perfecting amendments and be considered as an original bill for the purpose of amendment, said amendment is not offered from the floor but is automatically reported by the Clerk; and in the event said amendment is de-

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(15) 84 CONG. REC. 7108, 7109, 76th Cong. 1st Sess.

(16) William B. Bankhead (Ala.).

feated, the original bill is considered for amendment.

On Sept. 20, 1979,(17) during consideration of H.R. 5229(18) in the Committee of the Whole, the Chair responded to several parliamentary inquiries regarding procedure under the special rule:

THE CHAIRMAN:(19) Pursuant to the rule, the bill is considered as having been read for amendment. The text of H.R. 5310 shall be considered as an original bill for the purpose of amendment which shall be considered as having been read. No amendments are in order except pro forma amendments, amendments offered by direction of the Committee on Ways and Means or the Committee on Rules, and germane amendments only changing the date certain "March 31, 1981" or the numerical figure "$529,000,000,000" in section 101(a) and said amendments shall not be subject to amendment except pro forma amendments and germane amendments only changing said date or said figure.

The text of the amendment in the nature of a substitute is as follows:

H.R. 5310

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. . . .

TITLE II—ESTABLISHMENT OF PUBLIC DEBT LIMIT AS PART OF CONGRESSIONAL BUDGET PROCESS

Sec. 201. (a) The rules of the House of Representatives are amended by adding at the end thereof the following new rule:

"RULE XLIX

"ESTABLISHMENT OF STATUTORY LIMIT ON THE PUBLIC DEBT

"1. Upon the adoption by the Congress (under section 301, 304, or 310 of the Congressional Budget Act of 1974) of any concurrent resolution on the budget setting forth as the appropriate level of the public debt for the period to which such concurrent resolution relates an amount which is different from the amount of the statutory limit on the public debt that would otherwise be in effect for such period, the enrolling clerk of the House of Representatives shall prepare and enroll a joint resolution, in the form prescribed in clause 2, increasing or decreasing the statutory limit on the public debt by an amount equal to the difference between such limit and such appropriate level. . . .

MR. [BARBER B.] CONABLE [Jr., of New York]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. CONABLE: Mr. Chairman, we are now on a pro forma resolution and not on the Gephardt amendment? Is that correct? We are on pro forma amendments that were offered; is that correct?

THE CHAIRMAN: The Chair will advise the gentleman from New York (Mr. Conable) that under the rule the amendment in the nature of a substi-

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17. 125 CONG. REC. 25526, 25527, 96th Cong. 1st Sess.
18. Temporary Debt Limit Increase.
19. Matthew F. McHugh (N.Y.).

tute to which the gentleman refers is considered an original bill, and considered as read and so the Gephardt proposal is now before the Committee of the Whole. . . .

Mr. [Al] Ullman [of Oregon]: I have a parliamentary inquiry, Mr. Chairman. . . .

The Chairman: The gentleman will state his parliamentary inquiry.

Mr. Ullman: Mr. Chairman, it has been my understanding that if the substitute should fail, we would go back, however, to the consideration of the committee bill?

The Chairman: The gentleman is correct.

Mr. Ullman: But the substitute is before the Committee and is open to amendment at this point?

The Chairman: That is correct.

Rejection of Motion To Strike Enacting Clause

§ 7.45 Rejection by the Committee of the Whole or by the House of a preferential motion to strike the enacting clause permits the offering of proper amendments notwithstanding expiration of all debate time on the bill, but only amendments which have been printed in the Record may be debated for five minutes on each side.

On July 29, 1983,(20) the proposition described above was demonstrated during consideration of H.R. 2957,(1) in the Committee of the Whole. The proceedings were as follows:

Mr. [Trent] Lott [of Mississippi]: Mr. Chairman, I offer a preferential motion.

The Chairman:(2) The Clerk will report the preferential motion.

The Clerk read as follows:

> Mr. Lott moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out. . . .

Mr. [Ed] Bethune [of Arkansas]: Mr. Chairman, I have a parliamentary inquiry. . . .

Earlier today, Mr. Chairman, a request was made for unanimous consent to limit debate to 12 o'clock. That was defeated. Later it was put in the form of a motion and that carried, limiting the debate to 12 o'clock today. That, therefore, closed debate past the hour of 12 o'clock.

Now, a motion to rise is being made by the minority whip. Does that foreclose now the offering of further amendments should that motion to rise carry?

The Chairman: If the preferential motion to strike the enacting clause carries, further amendments would not be in order. . . .

Mr. [Ronald E.] Paul [of Texas]: Mr. Chairman, if this motion were to fail, whose amendments will be protected? Only those who have amendments printed in the Record, or anybody who has an amendment?

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(20) 129 Cong. Rec. 21675, 21676, 98th Cong. 1st Sess.

(1) The International Monetary Fund Authorization.

(2) Donald J. Pease (Ohio).

THE CHAIRMAN: Under the rule, if this motion is defeated, any amendment printed in the Record could be offered and debated for 5 minutes on each side. Any other germane amendment could also be offered but no debate would be allowed.

§ 8. Amendments to Text Passed in the Reading

Generally, an amendment comes too late when the Clerk has read beyond the section to which the amendment applies.(3) Thus, during the reading of a bill by sections in Committee of the Whole, it is not in order except by unanimous consent to return to a section that has been passed.(4) In the application of this principle, a question frequently arises as to when a section is, in fact, considered passed for amendment; similarly, an issue may arise as to whether Members have been afforded sufficient opportunity to offer amendments. These and related issues are discussed in ensuing sections.

Generally

§ 8.1 An amendment comes too late when the Clerk has read beyond the section to which the amendment applies.

On Sept. 15, 1965,(5) the following proceedings took place:

MR. [BARRATT] O'HARA of Illinois: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. O'Hara of Illinois: . . .

MR. [FRANK] THOMPSON [Jr., of New Jersey]: Mr. Chairman, I reserve a point of order on this amendment. This section has been passed. . . .

THE CHAIRMAN:(6) The Chair will advise the gentleman from Illinois, inasmuch as this section of the bill has been read and considered, that the Chair is constrained to sustain the point of order.

Debate Begun on Next Title

§ 8.2 An amendment is not in order which would change a portion of a bill which has been

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3. See § 8.1, infra.
4. See, in addition to those instances discussed in the following sections, 105 CONG. REC. 11789, 11790, 86th Cong. 1st Sess., June 24, 1959 (proceedings during consideration of H.R. 3 [Committee on the Judiciary]).
5. 111 CONG. REC. 23978, 89th Cong. 1st Sess., during consideration of H.R. 9460 (Committee on Education and Labor). See also 108 CONG. REC. 19465, 19470, 19475, 87th Cong. 2d Sess., Sept. 14, 1962, during consideration of S. 2768 (Committee on Foreign Relations), where objection was made to a unanimous-consent request to return to a previous section for the purpose of further amendment.
6. John A. Young (Tex.).

passed in the reading under the five-minute rule.

On Oct. 14, 1971,(7) the following proceedings took place:

THE CHAIRMAN:(8) Before the Committee rose on yesterday, it had agreed that title II of the bill would be considered as read and open to amendment at any point. There was pending the amendment offered by the gentleman from Pennsylvania (Mr. Moorhead) and the substitute amendment for the Moorhead amendment offered by the gentleman from Florida (Mr. Fuqua).

For what purpose does the gentleman from California rise?

MR. [CHESTER E.] HOLIFIELD [of California]: Mr. Chairman, I move to strike out the last word.

THE CHAIRMAN: The gentleman from California is recognized for 5 minutes.

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Rousselot: Page 1, strike line 5 and all that follow thereafter down through line 2 on page 2 and substitute the following: . . .

MR. [FRANK J.] HORTON [of New York]: Mr. Chairman, I regret to do so, but I do feel that I have to make a point of order against the amendment. . . . We have passed that section of the bill. We are now on section II. . . .

THE CHAIRMAN: The Chair is ready to rule. We have already passed title I, and title II is under debate. The point of order of the gentleman from New York is sustained.

Amending Previously Unamended Portions Passed in Reading

§ 8.3 While it may be in order to offer an amendment to the pending portion of a bill which not only changes a provision already amended but also changes an unamended pending portion of the bill, it is not in order merely to amend portions of a bill that have been changed by amendment or to amend unamended portions that have been passed in the reading and are no longer open to amendment.

On July 12, 1983,(9) it was demonstrated that where, pursuant to a special order, amendments en bloc to several titles of a bill have been agreed to, a further amendment which would (1) amend portions of the amendments already agreed to en bloc or (2) amend unamended portions of a previous title already passed in the reading is not in order, the bill not being open to amendment at any point. The proceedings in the Committee of the Whole were as follows:

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7. 117 CONG. REC. 36194, 36211, 92d Cong. 1st Sess. Under consideration was H.R. 10835 (Committee on Government Operations).
8. Edward P. Boland (Mass.).
9. 129 CONG. REC. 18771, 98th Cong. 1st Sess.

Mr. [Steve] Bartlett [of Texas]: Mr. Chairman, I offer an amendment.

The Chairman:[10] The Chair wishes to inquire of the gentleman from Texas, is the gentleman from Texas offering these amendments en bloc?

Mr. Bartlett: These amendments are not offered en bloc, Mr. Chairman. . . .

The Chairman: Could the gentleman from Texas identify which amendment it is?

Mr. Bartlett: The amendment begins, "Strike out the item agreed to in the amendment relating to page 50, line 3, of the bill."

The Chairman: The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Bartlett: Strike out the item agreed to in the amendment offered by Mr. Gonzalez relating to page 50, line 3, of the bill and insert in lieu thereof the following item:
>
> Page 50, line 3, strike out "$729,033,000" and insert in lieu thereof "$549,949,000".
>
> Strike out the item agreed to in the amendment offered by Mr. Gonzalez relating to page 50, line 8, of the bill. . . .
>
> Strike out the item agreed to in the amendment offered by Mr. Gonzalez relating to page 106, line 3, of the bill.
>
> Strike out the item agreed to in the amendment offered by Mr. Gonzalez relating to page 106, line 8, of the bill.
>
> Strike out the item agreed to in the amendment offered by Mr. Gonzalez relating to page 117, lines 19 through 22, of the bill.

Mr. [Henry B.] Gonzalez [of Texas]: Mr. Chairman, I make a point of order against the amendment. . . .

In the first place, this amendment attempts to perfect and change the provisions of the bill that have already been perfected under my amendment by nature of a substitute, the amendment previously approved by the committee. As such I believe the amendment is not in order and I raise a point of order against it.

In addition, the amendment attempts to amend title II which has already been passed in the reading and, therefore, for those two basic reasons I wish to interject this point of order against the pending amendment. . . .

Mr. Bartlett: Mr. Chairman, I would comment that my amendment is broader in scope than the Gonzalez amendment as it would strike all of title III and strike section 231 of the bill which relates to the 235 assistance, and my amendment is broader in scope than merely the previously adopted Gonzalez amendment.

The Chairman: With one exception, and that is the portion of the amendment that begins on page 106 striking title III, these amendments en bloc seek either to amend portions of the Gonzalez amendment already agreed to en bloc or to amend unamended portions of the bill contained in title I and title II which have been passed in the reading.

Thus since the bill is not open at any point, the amendments en bloc are not in order and the Chair sustains the point of order.

Are there further amendments to title III?

If not, the Clerk will designate title IV.

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[10] Norman Y. Mineta (Calif.).

Appropriation Bills

§ 8.4 Amendments to a paragraph of an appropriation bill must be offered immediately after the paragraph is read; it is ordinarily too late to offer such amendments if the Clerk has read beyond the paragraph.

On Feb. 17, 1943,(11) the following proceedings took place:

> Amendment offered by Mr. [Francis H.] Case [of South Dakota]: Page 11, line 3, after the words "disability fund," strike out the balance of page 11 and all of page 12 and lines 1 to 4, inclusive, of page 13.
>
> MR. [CLIFTON A.] WOODRUM [of Virginia]: Mr. Chairman, I make a point of order against the amendment. We have passed that paragraph. . . .
>
> THE CHAIRMAN:(12) The Chair will remind the gentleman that he will have to offer his amendment at the conclusion of the reading of the paragraph that he proposes to strike out. . . .
>
> MR. [JOHN] TABER [of New York]: I make the point of order that the Clerk has not read beyond page 11, line 3.
>
> THE CHAIRMAN: The Chair will state to the gentleman from New York and to the Committee that the Chair understood that while the Clerk was reading fast he had read line 4 on page 13. However, in order to be fair to the Members who were undertaking to listen, and inasmuch as there was not good order in the Chamber, without objection, the Clerk will again read the title beginning on page 11, line 3.

§ 8.5 It is too late to offer an amendment in the Committee of the Whole after the paragraph to which it would have been germane has been passed in the reading for amendment.

On Jan. 31, 1938,(13) the following proceedings took place:

> Amendment offered by Mr. [Alfred N.] Phillips [Jr., of Connecticut]: On page 11, line 13, after the period, insert two new paragraphs, as follows: . . .
>
> MR. [VINCENT L.] PALMISANO [of Maryland]: . . . [W]e have passed that particular section and the amendment comes too late. . . .
>
> THE CHAIRMAN:(14). . . The second ground raised by the gentleman from Maryland, that the amendment comes too late, and the point of order raised by the gentleman from Oklahoma, that the amendment is not germane to the paragraph offered, the Chair will be forced to sustain.

Unanimous Consent To Offer Amendment

§ 8.6 Unanimous consent is required to permit the offering of an amendment to a section of a bill which has been passed in reading under the five-minute

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11. 89 CONG. REC. 1050, 78th Cong. 1st Sess. Under consideration was H.R. 1762, the independent offices appropriation for 1944.
12. Orville Zimmerman (Mo.).
13. 83 CONG. REC. 1308, 1309, 75th Cong. 3d Sess. Under consideration was H.R. 9181, the D.C. appropriation of 1939.
14. William J. Driver (Ark.).

rule, and there is no custom or tradition of comity in the House which suggests that Members will always be accorded that permission.

An example of the proposition described above occurred on Jan. 31, 1984,(15) during consideration of H.R. 2878.(16) The proceedings in the Committee of the Whole were as follows:

> MR. [GEORGE W.] GEKAS [of Pennsylvania]: Madam Chairman, I offer an amendment
>
> MR. [PAUL] SIMON [of Illinois]: Madam Chairman, I reserve the right to object to this amendment.
>
> MR. GEKAS: Madam Chairman, I was going to await the procedure and ask unanimous consent to offer this amendment in that it relates to a section already passed by the Clerk in the reading.
>
> THE CHAIRMAN PRO TEMPORE:(17) The Clerk will first report the amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Gekas: Page 5, strike out lines 3 through 5 and redesignate the succeeding paragraphs accordingly. . . .
>
> THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentleman from Pennsylvania?
>
> MR. SIMON: Madam Chairman, reserving the right to object, with all due respect to my friend, the gentleman from Pennsylvania, I do object. This would simply result in prolonged debate, and I think the amendment would clearly be defeated.
>
> So, Madam Chairman, I do object....
>
> MR. GEKAS: Madam Chairman, perhaps the gentleman from Illinois can enlighten me on this.
>
> I have never asked for this kind of consideration before, and I ask the Chair and perhaps the gentleman from Illinois this question: Is this not kind of a departure from the common courtesy that is accorded to other Members when in a procedural matter such a request is made? . . .
>
> Madam Chairman, the inquiry is whether or not it is a question of comity among the Members to allow referral back to another section by the use of the unanimous-consent request.
>
> THE CHAIRMAN PRO TEMPORE: The Chair will state that any Member has the right to object to a unanimous-consent request.
>
> MR. GEKAS: I understand that, Madam Chairman. What I am asking is whether or not it is in violation of any rules of collegial courtesy to object to that kind of request.
>
> THE CHAIRMAN PRO TEMPORE: The Chair knows of no such rule.

Unanimous Consent Allowing Specified Amendments to Titles Passed in Reading

§ 8.7 Printing amendments in the Record pursuant to Rule XXIII clause 6 only guarantees five minutes of debate to its proponent notwithstanding a time limitation if the amendment is

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15. 130 CONG. REC. 1078, 98th Cong. 2d Sess.
16. The Library Services and Construction Act Amendments of 1983.
17. Marilyn Lloyd (Tenn.).

otherwise in order, and a unanimous consent agreement to permit certain designated amendments to be offered to a portion of the bill already passed in the reading for amendment does not permit other amendments printed in the Record to be offered.

On Jan. 29, 1980,(18) the Committee of the Whole having under consideration H.R. 4788,(19) the above-stated proposition was illustrated as indicated below:

> Mr. [Robert W.] Edgar [of Pennsylvania]: Mr. Chairman, I ask unanimous consent that titles III and IV be open to amendment at any point.
>
> The Chairman:(20) Is there objection to the request of the gentleman from Pennsylvania?
>
> Mr. Harsha: Mr. Chairman, reserving the right to object, we have passed over title III, and without unanimous consent it is my understanding that the gentleman could not offer any amendment to title III. Is that correct?
>
> The Chairman: The gentleman is correct.
>
> Mr. Harsha: Further reserving the right to object, could the gentleman explain to me what amendments he proposes to offer to title III?
>
> Mr. Edgar: I would be glad to. I would hope that we could protect the gentleman from Montana in offering his amendment to the Libby Dam, and then I have three amendments I would like to offer, amendments in title III. . . .
>
> Mr. Ertel: Mr. Chairman, reserving the right to object, I have a parliamentary inquiry. If the amendments are printed in the Record and we go back to title III and allow that time until 4:40, any amendment in the Record would be entitled to an additional 5 minutes?
>
> Mr. Edgar: If the gentleman will yield, I think the gentleman from Pennsylvania has indicated that he does not intend, if this unanimous-consent request is accepted, to go back in a dilatory way on title III and offer any other amendments other than the three I have asked unanimous consent for. My unanimous-consent request is that the three amendments which I have offered, plus the one amendment of the gentleman from Montana, plus the unanimous consent to revise and extend in title III, is solely the context of my request, and this gentleman will not go back to title III and offer any of the line-by-line and amendment-by-amendment amendments I have in the Record.
>
> The Chairman: In response to the gentleman's parliamentary inquiry, the unanimous-consent request which was offered by the gentleman from Pennsylvania (Mr. Edgar) will protect only those amendments referred to by Mr. Edgar, and will not permit other amendments printed in the Record to title III to be offered.

Effect of Rising of Committee

§ 8.8 In the Committee of the Whole, amendments to a section

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18. 126 Cong. Rec. 988, 992–4, 96th Cong. 2d Sess.
19. The Water Resources Development Act.
20. Matthew F. McHugh (N.Y.).

are in order after the section has been read; and the fact that the Committee rises after the section is read does not preclude amendment when the Committee resumes its sitting.

On June 29, 1965,(1) the following proceedings took place:

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Housing and Urban Development Act of 1965". . . .

MR. [WRIGHT] PATMAN [of Texas]: We expect to read the first section and then move that the Committee rise....

MR. [WILLIAM B.] WIDNALL [of New Jersey]: With the reading of this section, does that mean that if we adjourn over until tomorrow at this time there will still be the possibility of amendment of this section?

THE CHAIRMAN:(2) Section 101 will be subject to amendment.

Effect of Inserting New Title, Section or Paragraph

§ 8.9 A title of a bill is considered as having been passed in the reading for amendment if an amendment inserting a new title is agreed to.

On Mar. 26, 1974,(3) during consideration of title I of a committee amendment in the nature of a substitute being read for amendment by titles, the Chair indicated in response to parliamentary inquiries that further amendment to that title would be precluded if an amendment inserting a new title II immediately thereafter were agreed to.

THE CHAIRMAN:(4) Are there further amendments to title I? If not, the Clerk will read.

MR. [MARVIN L.] ESCH [of Michigan]: Mr. Chairman, I offer an amendment to the committee substitute.

THE CHAIRMAN: Has the amendment been printed in the Congressional Record?

MR. ESCH: Mr. Chairman, it is an amendment that comes at the conclusion of title I, following the period in title I. So I rose at this particular time to offer it.

MR. [ALBERT H.] QUIE [of Minnesota]: Mr. Chairman, a parliamentary inquiry. . . .

. . . In the event this amendment is read, and we begin considering the amendment, would then title I be completed, and there would be no way that anyone can go back to title I and offer an amendment, even though printed in the Record?

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1. 111 CONG. REC. 15162, 89th Cong. 1st Sess.
2. Daniel J. Flood (Pa.).
3. 120 CONG. REC. 8262, 93d Cong. 2d Sess. Under consideration was H.R. 69, to amend and extend the Elementary and Secondary Education Act.
4. Melvin Price (Ill.).

THE CHAIRMAN: The Chair will answer the inquiry of the gentleman from Minnesota by saying that further amendment to title I would be precluded only if the amendment is agreed to.

§ 8.10 The Committee of the Whole having adopted an amendment inserting a new title II in a committee amendment in the nature of a substitute being read for amendment by titles, the Chair indicated that further amendments to title I would be precluded.

On Mar. 26, 1974,(5) during consideration of H.R. 69 (to amend and extend the Elementary and Secondary Education Act) the Chair responded to a parliamentary inquiry as indicated below:

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:(6) The gentleman will state it.

MR. PERKINS: Mr. Chairman, inasmuch as the vote has been announced on the Esch amendment, I would like to make an inquiry as to whether further amendments to title I are in order or will be in order tomorrow when we take up further consideration of this bill?

THE CHAIRMAN: In view of the adoption of the Esch amendment, all further action on title I is precluded.

§ 8.11 An amendment adding a new title to a bill having been adopted, an amendment to the title of the bill pending when the amendment was offered comes too late and may be offered only by unanimous consent (the pending title being considered to be passed in the reading for amendment).

On May 3, 1984,(7) during consideration of H.R. 4275,(8) in the Committee of the Whole, the situation described above occurred as follows:

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I have an amendment at the desk which adds a new title III, and I will offer it now if this is the appropriate time.

THE CHAIRMAN:(9) First the Chair will inquire, are there further amendments to title II?

If not, are there further amendments?

MR. UDALL: Mr. Chairman, I have an amendment at the desk adding a new title III, and I offer it at this time.

THE CHAIRMAN: The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Udall: Page 27, (Union Calendar No. 368), after line 11, add the following. . . .

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(5) 120 CONG. REC. 8285, 93d Cong. 2d Sess.

(6) Melvin Price (Ill.).

(7) 130 CONG. REC. 10955–57, 98th Cong. 2d Sess.

(8) The Federal Reclamation Hydroelectric Powerplants Authorization Act.

(9) Ronnie G. Flippo (Ala.).

The Chairman: The question is on the amendment offered by the gentleman from Arizona (Mr. Udall).

The amendment was agreed to.

Mr. [**Duncan L.**] **Hunter** [of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Hunter: On page 18, immediately before line 1, insert the following new subparagraph. . . .

Mr. [**John S.**] **McCain** [of Arizona] (during the reading): Mr. Chairman, I have a point of order. . . .

I believe that that amendment is to title II which we have completed in the regular course of considering legislation. I believe the amendment is out of order at this time. . . .

Mr. Hunter: . . . It is true that after the amendment before last, I rose. The Chairman, the gentleman from Arizona, rose also and was heard and his amendment went into title III.

Mr. Chairman, I ask unanimous consent—and I think the Chairman would speak to this issue—I would ask unanimous consent that this amendment be considered. I was on my feet and apparently was overlooked, so I ask unanimous consent that this amendment be made in order.

The Chairman: An amendment adding a new title having been adopted, the gentleman from California can only offer this amendment by unanimous consent. Is there objection to the request of the gentleman from California?

There was no objection.

The Chairman: The Clerk will complete the reading of the amendment.

§ 8.12 A section is considered passed for the purpose of amendment after an amendment in the form of a new section has been adopted following that section.

On Mar. 10, 1971,(10) the Chairman(11) held that where a bill consisting of two sections has been read and committee amendments adding two new sections thereafter have been agreed to, an amendment to the second section of the bill comes too late and is not in order. Under consideration was a bill(12) extending provisions of laws relating to interest rates and mortgage credit controls.

§ 8.13 An amendment to a section comes too late when the section has been read and an amendment adding a new section to follow it has been adopted.

On Oct. 18, 1967,(13) the following proceedings took place:

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10. 117 Cong. Rec. 5856–58, 92d Cong. 1st Sess.
11. George W. Andrews (Ala.).
12. H.R. 4246 (Committee on Banking and Currency).
13. 113 Cong. Rec. 29312, 29313, 90th Cong. 1st Sess., during consideration of H.J. Res. 888 (Committee on Appropriations).

Mr. [George H.] Mahon [of Texas]: . . . Mr. Chairman, this portion of the bill had been read and approved and an amendment was offered by the gentleman from Louisiana, which amendment was a separate section following it. So this is decidedly untimely and out of order and I make the point of order that the amendment is not in order.

The Chairman:(14) It is the opinion of the Chair that since an amendment adding a new section to the bill was adopted following the section that the gentleman from Virginia seeks to amend now, the gentleman's amendment comes too late and the point of order is well taken.

Similarly, on Apr. 19, 1972,(15) the following proceedings took place:

Mr. [Kenneth J.] Gray [of Illinois]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Gray: On page 29, after line 4, add the following new section:
>
> "Sec. 10. Section 6 of the John F. Kennedy Center Act, as amended (72 Stat. 1968), is amended . . . ."

The Chairman:(16) The question is on the amendment offered by the gentleman from Illinois (Mr. Gray).

The amendment was agreed to. . . .

Mr. [Durward G.] Hall [of Missouri]: Mr. Chairman, I offer an amendment applicable to the original section 9 as printed in the bill. . . .

Mr. Gray: Mr. Chairman, I regretfully rise to make a point of order against the amendment. We have already passed section 9. . . .

The Chairman: . . . The Chair . . . wishes to state that in accordance with the parliamentary procedures the Gray amendment added a new section 10. Because of that, of course, under the procedures, section 9 has been passed and taken care of.

§ 8.14 In reading a bill under the five-minute rule, a section or paragraph is considered as having been passed for amendment when an amendment in the form of a new section or paragraph has been agreed to.

On Jan. 23, 1942,(17) the following proceedings took place:

The Clerk read as follows:

> Tennessee Valley Authority Fund: For an additional amount for the Tennessee Valley Authority fund, fiscal year 1942, for (1) the construction of a hydroelectric project on the French Broad River. . . .
>
> Amendment offered by Mr. [Clarence] Cannon of Missouri: Page 4, after line 9, insert:

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14. Charles A. Vanik (Ohio).
15. 118 Cong. Rec. 13523, 13525, 13526, 92d Cong. 2d Sess. Under consideration was H.R. 10488 (Committee on Public Works).
16. Wayne N. Aspinall (Colo.).
17. 88 Cong. Rec. 606, 77th Cong. 2d Sess. Under consideration was H.R 6448, the fourth supplemental national defense appropriation bill of 1942.

"DEPARTMENT OF STATE

"Transportation, Foreign Service: For an additional amount for Transportation, Foreign Service, fiscal year 1942 . . . $800,000.". . .

The amendment was agreed to. . . .

Amendment offered by Mr. [William P.] Lambertson [of Kansas]: Page 3, line 22, strike out line 22, page 3, to and including line 9 on page 4.

MR. CANNON of Missouri: Mr. Chairman, I make the point of order that the amendment comes too late. We have passed that paragraph. We have adopted an amendment since the paragraph was read and it is no longer subject to amendment. . . .

THE CHAIRMAN:(18) The Chair was aware of the fact that the gentleman from Kansas [Mr. Lambertson] was on his feet, and the Chair would like to overrule the point of order, but feels that technically the point of order is well taken, and it being insisted upon by the chairman of the Committee on Appropriations, the Chair is constrained to sustain the point of order.

—New Section Voted Down

§ 8.15 The adoption of an amendment offered as a new section precludes amendment to the section pending when the amendment was offered; but if the proposal for a new section is voted down, amendments to such pending section are permitted.

On June 14, 1944,(19) the following proceedings took place:

MR. AUGUST H. ANDRESEN [of Minnesota]: Mr. Chairman, I ask unanimous consent to have permission to offer an amendment.

THE CHAIRMAN:(20) Without objection, the gentleman may offer his amendment. Technically the gentleman probably would be entitled to offer an amendment, but when the committee goes on and adopts a new section, then that would cut out other amendments to the section. . . .

MR. [GEORGE E.] OUTLAND [of California]: Mr. Chairman, I object.

THE CHAIRMAN: The Chair holds that technically the gentleman is entitled to offer the amendment. There has not been any new section adopted. If the amendment offered by the gentleman from Michigan [Mr. Wolcott] had been adopted, that would be a different situation. The Chair holds that the gentleman from Minnesota [Mr. August H. Andresen] is entitled to offer his amendment.

—Point of Order Sustained Against Amendment Adding New Paragraph

§ 8.16 A point of order having been sustained against an amendment proposing to insert a new paragraph, it was held in

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18. J. Bayard Clark (N.C.).

19. 90 CONG. REC. 5910, 5911, 78th Cong. 2d Sess. Under consideration was H.R. 4941, extension of the Emergency Price Control and Stabilization Acts of 1942.

20. Jere Cooper (Tenn.).

order to perfect the paragraph that had been read before such amendment was offered.

On June 5, 1942,(1) the following proceedings took place:

The Clerk read as follows:

> Par. 2. To provide continuance of part-time employment for needy young persons in colleges and universities to enable such persons to continue their education, $5,000,000.

MR. [FRANK B.] KEEFE [of Wisconsin]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Keefe: Page 25, after paragraph (2), insert a new paragraph, as follows: . . .

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make a point of order against the amendment on the ground that it is not authorized by law. . . .

THE CHAIRMAN:(2) . . . The gentleman's amendment undertakes to make another appropriation which is to be administered under the Chairman of the Manpower Commission. It is the opinion of the Chair that there is no authority in law for the appropriation proposed in the amendment and the Chair is therefore constrained to sustain the point of order.

MR. KEEFE: In view of the holding of the Chair, I ask unanimous consent to submit an amendment increasing the amount for student aid contained in paragraph 2 on page 25 of the bill from $5,000,000 to $10,000,000.

THE CHAIRMAN: Is there objection to the request of the gentleman from Wisconsin [Mr. Keefe]?

MR. TABER: Mr. Chairman, I object.

MR. [MALCOLM C.] TARVER [of Georgia]: Mr. Chairman, why does the gentleman have to have unanimous consent to offer an amendment to paragraph 2? Why may he not offer without the consent of anyone an amendment increasing the amount in paragraph 2 from $5,000,000 to $10,000,000?

MR. TABER: We have already passed paragraph 2 for amendment.

MR. TARVER: Paragraph 2 has just been read and amendments are in order. Nothing in the bill has been read after paragraph 2.

THE CHAIRMAN: Amendments may be offered at this time to paragraph 2.

MR. KEEFE: Mr. Chairman, I offer the amendment in the language referred to, simply changing the amount in paragraph 2, on page 25, from $5,000,000 to $10,000,000.

THE CHAIRMAN: The gentleman from Wisconsin [Mr. Keefe] offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. Keefe: Page 25, line 12, strike out "$5,000,000" and insert in lieu thereof "$10,000,000."

MR. TABER: Mr. Chairman, I make the point of order the amendment comes too late. Amendments have already been offered adding additional paragraphs to the bill and under the practice, as I understand it, that precludes amendments to the paragraph.

THE CHAIRMAN: The Clerk has concluded the reading of paragraph 2 and it was, therefore, subject to amend-

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1. 88 CONG. REC. 4959, 4960, 77th Cong. 2d Sess. Under consideration was H.R. 7181, the Labor Federal Security Appropriation for 1943.
2. Howard W. Smith (Va.).

ment. An amendment was offered and ruled out on a point of order.

The ruling of the Chair is that the section is subject to such further amendments as may be properly offered by Members of the House, and overrules the point of order.

When Amendment in Form of New Section May Be Offered

§ 8.17 An amendment in the form of a new section must be offered while the section of the bill which it would follow is pending, and comes too late after the next section of the bill has been read for amendment.

The procedure to be followed in offering an amendment in the form of a new section in the bill is indicated in the proceedings of Sept. 21, 1978.[3] Under consideration was H.R. 12611, the Air Service Improvement Act of 1978.

THE CHAIRMAN:[4] Are there any amendments to section 11?

If not, the Clerk will read.

The Clerk read as follows:

> Sec. 12 Section 401(e) of the Federal Aviation Act of 1958 (49 U.S.C. 1371(e)) is amended by adding at the end thereof the following new paragraph:
>
> "(7) Upon application of any air carrier seeking removal or modification of a term, condition, or limitation attached to a certificate issued under this section to engage in interstate, overseas, or foreign air transportation, the Board shall, within sixty days after the filing of such application, set such application for oral evidentiary hearings on the record. . . .

MR. [GLENN M.] ANDERSON of California (during the reading): Mr. Chairman, I ask unanimous consent that section 12 be considered as read, printed in the Record, and open to amendment at any point.

THE CHAIRMAN: Is there objection to the request of the gentleman from California?

There was no objection.

THE CHAIRMAN: Are there any amendments to section 12?

MR. [ALLEN E.] ERTEL [of Pennsylvania]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Ertel: Page 100, before line 4, insert the following new section:
>
> DETERMINATION OF CONSISTENCY WITH PUBLIC CONVENIENCE AND NECESSITY
>
> Sec. 12, Section 401(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1371(d)) is further amended by adding at the end thereof the following new paragraph:
>
> "(9) Transportation covered by an application for a certificate described in paragraph (1)(A), (2)(A), or (3)(A) of this subsection shall, for the purposes of such paragraphs, be deemed to be consistent with the public convenience and necessity, unless the Board finds based upon clear and convincing evidence that such transportation is inconsistent with the public convenience and necessity."
>
> Renumber the succeeding sections of the bill accordingly. . . .

MR. [ELLIOTT] LEVITAS [of Georgia]: The amendment offered by the gentle-

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3. 124 CONG. REC. 30673, 30675, 95th Cong. 2d Sess.

4. Benjamin S. Rosenthal (N.Y.).

man from Pennsylvania is purporting to amend page 96, line 10, by inserting a new section there. According to the reading of the Clerk, the Clerk had already begun to read section 12.

The Chairman: Does the gentleman from Pennsylvania wish to speak to the point of order?

Mr. Ertel: Mr. Chairman, I cannot recall whether the Clerk started to read section 12 or not.

The Chairman: Section 12 had been considered as read by unanimous consent. The Chair is prepared to rule unless the gentleman from Pennsylvania wishes to address the matter further.

Mr. Ertel: Mr. Chairman, I ask unanimous consent that section 12 be treated as not read.

The Chairman: Is there objection to the request of the gentleman from Pennsylvania?

Mr. [Dale] Milford [of Texas]: Mr. Chairman, I object. . . .

The Chairman: The Chair is prepared to rule.

The Clerk had read section 12, and in the opinion of the Chair the amendment adds a new section prior to section 12 and comes too late at this point and the point of order is sustained.

Amendment Affecting Earlier Section

§ 8.18 While the Committee of the Whole may not amend a section of a bill already passed during the reading under the five-minute rule, it may adopt an amendment to a later section which has the effect of making more specific limitations on, or regarding, the application of particular terms of the earlier section.

On Nov. 9, 1967, in the Committee of the Whole, during consideration of a bill[5] comprising economic opportunity amendments of 1967, a section was considered which represented a limitation on the total amount authorized for the bill's purposes, as well as limitations on amounts to be made available for carrying out the provisions of specified titles of the bill, including title I. The section stated in part:[6]

> Sec. 2. For the purpose of carrying out programs under the Economic Opportunity Act of 1964 . . . there is hereby authorized to be appropriated for the fiscal year ending June 30, 1968, the sum of $2,060,000,000, of which . . . the amounts appropriated or made available by appropriation Act shall not exceed $874,000,000 for the purpose of carrying out the provisions of title I of such Act, $1,022,000,000 for the purpose of carrying out title II.

Subsequently, the above section having passed the stage of amendment, an amendment was offered to the bill[7] which sought to put a limit on the authorization for the Job Corps program, one of several programs included within the overall limit applicable to expenditures under title I, although no limit had been made specifically applicable to the Job Corps program within that title. The amendment stated:

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[5] S. 2388.

[6] 113 Cong. Rec. 31893, 90th Cong. 1st Sess.

[7] 113 Cong. Rec. 32253, 90th Cong. 1st Sess., Nov. 13, 1967.

> Amendment offered by Mr. [Albert H.] Quie [of Minnesota]: On page 154, after line 6, insert:
>
> > Sec. 119. Any other provision of this Act to the contrary notwithstanding, sums expended for programs authorized by this part shall not exceed $200,000,000 in the fiscal year ending June 30, 1968.

The following proceedings then took place:

> **Mr.** [**James** G.] **O'Hara** [of Michigan]: . . . Mr. Chairman, I make the point of order that the gentleman's amendment is untimely. It comes too late and it should have been offered to section 2. . . .
>
> **Mr. Quie**: . . . Mr. Chairman, the authorization of section 2 provides for the total amount of money for this act. Also, on lines 8 and 9 there is the figure for title I of $874,000,000.
>
> I offer a limitation of money only for part (a) of title I. My amendment would not affect the sum of money on line 8 of page 128, but only would be a further limitation within the $874,000,000 authorized for title I. . . .
>
> **The Chairman**:(8) . . . It would appear to the Chair that this is a limitation on an entirely different subject and an entirely different matter and, therefore, the amendment is in order.

Motion To Return to Section

§ 8.19 In order to return to a section of a bill in the Committee of the Whole in order to offer an amendment, a Member must obtain unanimous consent; a motion to do so is not in order.

On Aug. 18, 1944,(9) the following proceedings took place:

> **Mr.** [**Ben** F.] **Jensen** [of Iowa]: . . . Mr. Chairman, I ask unanimous consent that we return to section 7 for the purpose of offering an amendment. . . .
>
> **Mr.** [**Carter**] **Manasco** [of Alabama]: I object. . . .
>
> **The Chairman**:(10) The gentleman can return to a former section only with the unanimous consent of the Committee and the Committee has not given it.

Placing Amendment on Clerk's Desk

§ 8.20 Members must offer their amendments from the floor at the proper point in the reading of the bill, and the fact that an amendment has been on the desk during such reading does not give recognition.

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8. John J. Rooney (N.Y.).

9. 90 Cong. Rec. 7122, 78th Cong. 2d Sess. Under consideration was H.R. 5125, the surplus property bill.

10. R. Ewing Thomason (Tex.).

On Mar. 11, 1949,(11) the following proceedings took place:

Mr. [Isidore] Dollinger [of New York]: Mr. Chairman, I ask for consideration of an amendment which has been up at the desk.

The Clerk read as follows:

> Amendment offered by Mr. Dollinger: On page 26, strike out—

The Chairman:(12) We have passed section 201. We are now considering section 202. . . .

Mr. Dollinger: Mr. Chairman, that amendment has been on the desk, and I had asked for the floor, but the Chair recognized another Member.

The Chairman: The Chair will state to the gentleman the fact that an amendment has been on the desk gives no parliamentary recognition at all. The gentleman may only offer an amendment when he is recognized to do so.

Seeking Recognition

§ 8.21 A point of order that a paragraph has been passed and is therefore not subject to amendment will not lie where a Member was on his feet seeking recognition to offer an amendment and the Clerk had continued to read.

On Apr. 3, 1957,(13) the following proceedings took place:

Mr. [John] Taber [of New York]: Mr. Chairman, I make a point of order against the amendment on the ground that it is not in order at this point in the bill, the Clerk having read down to line 2 on page 33. . . .

The Chairman:(14) The Chair is ready to rule on that point. The gentleman from North Carolina was on his feet while the Clerk was reading. The Clerk continued to read before the gentleman had a chance to offer his amendment.

The gentleman was entitled to recognition.

Inaudible Request for Recognition

§ 8.22 A point of order that an amendment to an appropriation bill comes too late does not lie where the Member offering the amendment was standing and seeking recognition at the time the pertinent paragraph was read but the request for recognition was inaudible to the Chair.

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11. 95 Cong. Rec. 2307, 81st Cong. 1st Sess. Under consideration was H.R. 1731, to extend certain provisions of the Housing and Rent Act of 1947, as amended.

See also 95 Cong. Rec. 5505, 5506, 81st Cong. 1st Sess., May 3, 1949; and 95 Cong. Rec. 12258, 81st Cong. 1st Sess., Aug. 25, 1949.

12. Albert A. Gore (Tenn.).

13. 103 Cong. Rec. 5034-36, 85th Cong. 1st Sess. Under consideration was H.R. 6287, making appropriations for the Departments of Labor, Health, Education, and Welfare, etc.

14. Aime J. Forand (R.I.).

On Oct. 27, 1971,(15) the following proceedings took place:

MR. [ELFORD A.] CEDERBERG [of Michigan]: . . . I believe the amendment comes too late. . . .

MS. [BELLA S.] ABZUG [of New York]: . . . Mr. Chairman, I was standing, and was seeking recognition and the microphone apparently did not work at that point.

THE CHAIRMAN:(16) The Chair will state that the Chair did not hear the gentlewoman when she made her request at the microphone; but the Chair did observe that the gentlewoman was on her feet and looking at the Chair at that time, when this portion of the bill was read by the Clerk. Therefore the Chair will hold that the amendment offered by the gentlewoman from New York . . . does not come too late and is in order.

Standing But Not Seeking Recognition

§ 8.23 A Member who was on his feet but not seeking recognition when a paragraph of an appropriation bill was read is not entitled to offer an amendment to that paragraph after a subsequent paragraph has been read.

On Dec. 8, 1971,(17) a Member who had been on his feet but had not been seeking recognition sought to offer an amendment to a portion of the bill that had been passed in the reading. The proceedings were as follows:

MR. [DONALD M.] FRASER [of Minnesota]: Mr. Chairman, I have an amendment to line 8 on page 2. I was standing at the time it was being read.

MR. [OTTO E.] PASSMAN [of Louisiana]: Mr. Chairman, the Clerk has read beyond that paragraph. I make a point of order against the amendment on the basis that we have gone beyond that in the reading.

THE CHAIRMAN:(18) The Clerk has gone beyond that point in reading.

Rereading Paragraph

§ 8.24 The Chair has on occasion directed the Clerk to reread a paragraph of a bill, where, because of confusion in the Chamber a question has arisen as to how far the Clerk had read.(19)

§ 9. Amendments to Text Not Yet Read; En Bloc Amendments

An amendment which goes beyond the scope of the pending section or paragraph and in effect modifies a paragraph or section

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15. 117 CONG. REC. 37763, 92d Cong. 1st Sess. Under consideration was H.R. 11418 (Committee on Appropriations).
16. Brock Adams (Wash.).
17. 117 CONG. REC. 45481, 92d Cong. 1st Sess. Under consideration was H.R. 12067 (Committee on Appropriations).
18. Charles M. Price (Ill.).
19. See § 8.4, supra.

which has not yet been reached in the reading is not in order.(20) Thus, it is not in order to strike out a portion of a bill which has not been read for amendment.(1)

Unanimous Consent

§ 9.1 An amendment to a portion of a bill not yet read for amendment is in order only by unanimous consent.

On July 13, 1967,(2) the following exchange took place:

> MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, is it proper to offer an amendment to a provision of the bill that has not been read?
>
> THE CHAIRMAN:(3) Only by unanimous consent.

§ 9.2 By unanimous consent, amendments offered to a section of a bill not yet read have been considered in Committee of the Whole.

On Sept. 19, 1961,(4) the following proceedings took place with respect to an amendment offered by Mr. Charles E. Bennett, of Florida, to a bill(5) establishing an arms control agency:

> MR. [WAYNE L.] HAYS [of Ohio]: . . . I submit that the gentleman is offering one amendment which applies to two sections of the bill, one of which has not yet been read. He should offer the amendment, it seems, to lines 1 and 2 and then another amendment to the rest of the bill when it is read.
>
> MR. BENNETT: Mr. Chairman, I understand that I may do that by unanimous consent, and I ask unanimous consent that these amendments be considered en bloc.
>
> THE CHAIRMAN:(6) Is there objection to the request of the gentleman from Florida?
>
> There was no objection.

—Unanimous Consent Applicable to Specific Amendment

§ 9.3 A unanimous-consent request to consider an amendment to a section of a bill which has not been read for amendment, where the bill is being read for amendment by sections, does not permit the offering of other amendments to that section of the bill; thus, while perfecting amendments to the text of a bill may ordinarily be offered pending a motion to

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20. See § 9.9, infra.
1. See § 9.6, infra.
2. 113 CONG. REC. 18662, 90th Cong. 1st Sess. Under consideration was H.R. 10595 (Committee on Banking and Currency).
3. Charles H. Wilson (Calif.).
4. 107 CONG. REC. 20303, 87th Cong. 1st Sess.
5. H.R. 9118 (Committee on Foreign Affairs).
6. Clifford David (Tenn.).

strike that text, perfecting amendments may not be offered to a section of a bill not yet read for amendment where unanimous consent has been obtained to consider a motion to strike a portion of that section.

On Oct. 5, 1977,(7) the Committee of the Whole having under consideration H.R. 8410,(8) the proceedings, described above, occurred as follows:

The Chairman:(9) Are there further amendments to section 7? . . .

Mr. [John N.] Erlenborn [of Illinois]: Mr. Chairman, I offer amendments to sections 7 and 8, and I ask unanimous consent that the amendments may be considered en bloc.

The Chairman: Is there objection to the request of the gentleman from Illinois? . . .

There was no objection.

The Chairman: The Clerk will report the amendments.

The Clerk read as follows:

> Amendments offered by Mr. Erlenborn: Page 22, line 14, strike "(1)"; page 22, line 15, strike "or" the second time it occurs, and all that follows through line 5, page 23. . . .

Mr. [Frank] Thompson [Jr., of New Jersey]: Mr. Chairman, I wonder if it is possible parliamentarily for the gentleman from Minnesota (Mr. Quie) to offer an amendment to the bill at this point.

The Chairman: The Chair would advise the gentleman from New Jersey (Mr. Thompson) that an amendment to or a substitute for the motion to strike would not be in order.

Mr. Thompson: But an amendment to the bill, rather than a substitute to strike, would be in order, Mr. Chairman?

The Chairman: The Chair would advise the gentleman from New Jersey that, as the gentleman knows, section 8 is not open for amendment at this time, other than the Erlenborn amendment, and perfecting amendments to that section are not yet in order.

Committee Amendment

§ 9.4 An amendment to a committee amendment is not in order until such committee amendment is reached in the bill and read.

On June 29, 1949,(10) the following exchange took place:

Mr. [Francis H.] Case [of South Dakota]: The point of order is that the committee amendment which the Sasscer amendment attempts to amend has never been offered or considered.

The Chairman:(11) The point of order is well taken. The gentleman

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7. 123 Cong. Rec. 32523, 32524, 95th Cong. 1st Sess.
8. The Labor Reform Act of 1977.
9. William H. Natcher (Ky.).
10. 95 Cong. Rec. 8660, 81st Cong. 1st Sess. Under consideration was H.R. 4009, the Housing Act of 1949.
11. Hale Boggs (La.).

from Maryland will have to withhold his amendment until the committee amendment has been reached.

§ 9.5 The Chair indicated in response to a parliamentary inquiry that committee amendments printed in a bill may not be considered in Committee of the Whole until the section where they appear has been read for amendment.

On Mar. 29, 1977,(12) during consideration of H.R. 5045,(13) in the Committee of the Whole, the proceedings, described above, were as follows:

> THE CHAIRMAN:(14) There being no further requests for time, the Clerk will read.
>
> The Clerk read as follows:
>
> H.R. 5045
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Reorganization Act of 1977". . . .
>
> MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, I offer an amendment in the nature of a substitute.
>
> MR. [JACK] BROOKS [of Texas]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state the parliamentary inquiry.
>
> MR. BROOKS: Mr. Chairman, would the Clerk read the two committee amendments and get the committee amendments adopted before we go into other amendments from the floor?
>
> THE CHAIRMAN: That portion of the bill has not yet been read.
>
> MR. BROOKS: Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point and that we take up the two committee amendments and then at any point in the bill other amendments would be eligible for presentation.
>
> THE CHAIRMAN: Is there objection to the request of the gentleman from Texas?
>
> There was no objection.

Inserting New Section

§ 9.6 Where the first section of a bill has, by unanimous consent, been considered as read and open to amendment, an amendment inserting a new section at the end of that section of the bill is in order.

On June 26, 1972,(15) the following proceedings took place:

> Amendment offered by Mr. [Mario] Biaggi [of New York]: Page 7, insert after line 18 the following:
>
> Sec. 102. The Secretary of Transportation shall (1) conduct a study....
>
> MR. [EARLE] CABELL [of Texas]: Was this amendment to section 1, which has been read? Does it apply to that?

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12. 123 CONG. REC. 9353, 9355, 95th Cong. 1st Sess.
13. The Reorganization Act of 1977.
14. James M. Hanley (N.Y.).
15. 118 CONG. REC. 22404, 92d Cong. 2d Sess. Under consideration was H.R. 15507.

THE CHAIRMAN:(16) It is an amendment to the first section of the bill.

MR. CABELL: I believe the gentleman from Iowa himself asked unanimous consent that it be open to amendment to the first section.

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, yes, but page 7 goes beyond the first section of the bill. . . .

THE CHAIRMAN: The Chair will state that the unanimous-consent request that was made by the gentleman from Iowa and that was agreed to was to dispense with further reading of the first section of the bill, which ends on page 7, line 18, and the amendment offered by the gentleman from New York is to the first section of the bill and is therefore in order.

Striking Sections Not Yet Read

§ 9.7 To a bill being read for amendment by sections, an amendment proposing to strike out a title consisting of several sections is not in order following the reading of the first section.

On July 25, 1973,(17) the following proceedings took place during consideration of a bill(18) relating to limitations on federal expenditures for fiscal 1974:

MR. [HENRY S.] REUSS [of Wisconsin]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Reuss: Strike out title II (beginning on line 11, page 11, and ending on line 10, page 14). . . .

MR. [RICHARD] BOLLING [of Missouri]: Mr. Chairman, I make a point of order against the amendment in that the amendment is offered to strike the title. The title has not been read, and therefore the amendment is not in order. . . .

THE CHAIRMAN:(19) A point of order has been raised that the amendment offered by the gentleman from Wisconsin (Mr. Reuss) seeks to strike matter beyond the portion of the bill which the Clerk has read, and there would be no way of striking anything except what the Clerk has read.

The Chair is constrained to sustain the point of order.

§ 9.8 When a bill is being read for amendment in the Committee of the Whole by sections, an amendment to strike out both a section that has been read and a section that has not been read is not in order.

On May 13, 1958,(20) the following proceedings took place:

Amendment offered by Mr. [Roy W.] Wier [of Minnesota]: Strike out of the bill chapter I, line 1, page 2, the following: section 101 and section 102 on line 10. . . .

MR. [THOMAS E.] MORGAN [of Pennsylvania]: The gentleman's amendment

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16. John Brademas (Ind.).

17. 119 CONG. REC. 25829, 93d Cong. 1st Sess. As to the effect of a unanimous consent request to strike portions of the bill not yet read, see § 9.3, supra.

18. H.R. 8480 (Committee on Rules).

19. Dante B. Fascell (Fla.).

20. 104 CONG. REC. 8621, 85th Cong. 2d Sess. Under consideration was H.R. 12181, to amend further the Mutual Security Act of 1954, etc.

carries on to line 19 on page 2. . . . I make the point of order that the section has not been read yet.

THE CHAIRMAN:(21) Of course, the point of order is well taken.

Amendment Not Properly Drafted as Amendment in Nature of Substitute

§ 9.9 Where only the first title of a bill had been read for amendment, an amendment proposing to strike out portions of the bill not yet read, and not properly drafted as an amendment in the nature of a substitute for the bill, was ruled out of order.

On June 2, 1976,(22) during consideration of a bill(1) in the Committee of the Whole, the Chair ruled on a point of order, described above, as follows:

> MR. [THOMAS E.] MORGAN [of Pennsylvania] (during the reading): Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the Record, and open to amendment at any point. . . .
>
> There was no objection.
>
> MR. [CLIFFORD R.] ALLEN [of Tennessee]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Allen: That all language following line 8, on page 1, shall be stricken with the exception of the following, which shall be renumbered accordingly:
>
> Beginning with line 9, page 71, and continuing through line 2, page 72. . . .
>
> MR. MORGAN: Mr. Chairman, I make a point of order against the amendment.
>
> THE CHAIRMAN:(2) The gentleman will state his point of order.
>
> MR. MORGAN: Mr. Chairman, this amendment goes beyond the title. The amendment amends sections of the bill that have not been read yet and are not open for amendment. . . .
>
> MR. ALLEN: . . . Mr. Chairman, this amendment admittedly is in the form of a substitute for the bill now under consideration.
>
> It would, indeed, change the whole purport and thrust of the bill from beginning to end. . . .
>
> Mr. Chairman, if this is not the proper time to offer a substitute, I will offer it at a later time if the Chair so rules.
>
> THE CHAIRMAN: The Chair is prepared to rule.
>
> The Chair informs the gentleman from Tennessee (Mr. Allen) that because his amendment goes beyond title I, it is not in order at this time.
>
> Therefore, the point of order of the gentleman from Pennsylvania (Mr. Morgan) is sustained.

—Repeating Paragraphs Without Change

§ 9.10 It is not in order, during the stage of amendment, to seek

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(21) Hale Boggs (La.).

(22) 122 CONG. REC. 16200, 94th Cong. 2d Sess.

(1) H.R. 13680, to amend the Foreign Assistance Act of 1961.

(2) Frank E. Evans (Colo.).

to amend a paragraph not yet reached in the reading by offering a substitute for several paragraphs which repeats without change a number of intervening paragraphs of the bill and defers substantive change to a portion of the bill not yet read.

On July 29, 1969,(3) the following proceedings took place:

> Amendment offered by Mr. [Robert H.] Michel [of Illinois]: On page 25 strike out line 9 and all that follows on page 25 and insert in lieu thereof the following: . . .
>
> MR. [JAMES G.] O'HARA [of Michigan]: Mr. Chairman, I make a point of order against the amendment on the ground that the paragraph which it amends has not yet been read. . . .
>
> Mr. Chairman, when the amendment was offered, the Clerk had finished reading the paragraph which begins on line 9, page 25, and concludes on line 24, page 25. . . . But the amendment of the gentleman from Illinois does not change so much as a comma in that paragraph; it repeats it absolutely verbatim. It is not an amendment to that paragraph. It is only in subsequent paragraphs that any amendment is made.
>
> As a matter of fact, it goes on through another paragraph without any change whatsoever before it makes an amendment. The amendment does not come until the paragraph beginning on line 9 of page 26.
>
> I would make the point of order, Mr. Chairman, that the gentleman from Illinois will have to wait until that paragraph is read before he can offer an amendment to it. . . .
>
> If the Chair is going to hold that one can offer an amendment at any place one wants in the bill in order to get a provision that comes a page later, or two pages later, or 10 pages later—and that is what he has done; he has offered an amendment here that changes nothing but gets at something on the next page—and if we are going to say that the precedents of this House say one can offer an amendment any place and repeat some language until it gets to the thing he wants to amend, we are heading for legislative chaos, Mr. Chairman. . . .
>
> THE CHAIRMAN:(4) The Chair is prepared to rule. The Chair is presented with a most difficult ruling at this time. He has resorted to a precedent in "Hinds' Precedents," volume V, page 404, paragraph 5795, which reads as follows:
>
>> When it is proposed to offer a single substitute for several paragraphs of a bill which is being considered by paragraphs, the substitute may be moved to the first paragraph with notice that if it be agreed to, motions will be made to strike out the remaining paragraphs.
>
> The Chair notes that the gentleman from Illinois did not give such notice. The amendment goes beyond the para-

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3. 115 CONG. REC. 21217, 21218, 91st Cong. 1st Sess. Under consideration was H.R. 13111 (Committee on Appropriations).

4. Chet Holifield (Calif.).

graph which has been read and in effect modifies a paragraph which has not yet been read.

The Chairman, therefore, sustains the point of order.

Failure To Make Point of Order

§ 9.11 An amendment to a paragraph of an appropriation bill not yet read by the Clerk is subject to a point of order, but if no point of order is made, the amendment may be considered.(5)

§ 9.12 Although no point of order is made against an amendment offered to a paragraph not yet read by the Clerk, further amendments to the paragraph that has been read are not precluded.

On Apr. 3, 1957,(6) during consideration of H.R. 6287, making appropriations for the Departments of Labor, Health, Education, and Welfare, Mr. F. Edward Hébert, of Louisiana, offered an amendment which related, in part, to portions of the bill that had been read, and, in part, to portions not yet read. The language of the bill and proposed amendment were as follows:

The Clerk read as follows:

> Grants for hospital construction: For payments under parts C and G, title VI, of the act, as amended, $121,200,000, of which $99,000,000 shall be for payments for hospitals and related facilities pursuant to part C, $1,200,000 shall be for the purposes authorized in section 636 of the act, and $21,000,000 shall be for payments for facilities pursuant to part G, as follows: $6,500,000 for diagnostic or treatment centers, $6,500,000 for hospitals for the chronically ill and impaired, $4,000,000 for rehabilitation facilities, and $4,000,000 for nursing homes: *Provided,* That allotments under such parts C and G to the several States for the current fiscal year shall be made on the basis of amounts equal to the limitations specified herein.

Mr. Hébert: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Hébert: Page 25, line 6, after "as amended", strike out "$121,200,000" and insert "$100,000,000"; line 7, after "which", strike out "$99,000,000" and insert "$77,800,000"; line 20, after the words "as amended", strike out "$1,450,000" and substitute "$1,381,000."

Mr. Hébert: Mr. Chairman, in view of the remarks that have been made on the floor during the last 7 days of debate and the arguments advanced against the cutting of these sums and amounts, I am now able to offer an amendment which meets the objections of both sides and I am sure can well be supported because it does not destroy any program; it does not reduce any salaries; it does not reduce or increase any personnel. . . .

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5. See 9.11, infra.
6. 103 Cong. Rec. 5018, 5019, 85th Cong. 1st Sess.

MR. [THOMAS M.] PELLY [of Washington]: I did not understand that the Clerk had read beyond line 17. May I inquire if this amendment includes the figure on line 20?

THE CHAIRMAN:(7) The amendment that the gentleman from Louisiana offered was addressed to the language beginning on line 5 but does touch on a sum included in the next paragraph beginning on line 18. . . .

MR. [JOHN E.] FOGARTY [of Rhode Island]: It was my understanding that the amendment offered by the gentleman from Louisiana went down to and included the language at the end of line 20 on page 25.

THE CHAIRMAN: The amendment does go down that far, but the Clerk has not read those last three lines.

MR. FOGARTY: Mr. Chairman, I make the point of order that further amendments cannot be offered to the language before line 20 on page 25, because the amendment offered by the gentleman from Louisiana [Mr. Hébert] takes in 3 places in the bill and goes down to and including the paragraph "Salaries and expenses" where his amendment offers to cut the amount in line 20.

THE CHAIRMAN: The statement the gentleman makes is correct, but the fact remains no point of order was made when the amendment was read. . . .

MR. PELLY: Mr. Chairman, reserving the right to object, if no objection were made, would that preclude the consideration of my amendment which begins on line 17, following the action on the amendment of the gentleman from Louisiana [Mr. Hébert]?

THE CHAIRMAN: No.

Parliamentarian's Note: The above proceedings, in which it was indicated in the circumstances that adoption of amendments to text not yet read would not preclude further amendments to the text that had been read, should be distinguished from those in which adoption of an amendment inserting a new section to follow the pending section would preclude further amendment to the pending section.

En Bloc Amendments

§ 9.13 Amendments to the pending title of a bill and to a subsequent title may be offered en bloc only by unanimous consent.

On Aug. 17, 1972,(8) the following proceedings took place:

MR. [DANTE B.] FASCELL [of Florida]: Mr. Chairman, I offer an amendment. . . .

[The Clerk read the amendment.]

MR. FASCELL: Mr. Chairman, I have another amendment on the same subject. . . . I ask unanimous consent that the amendments be considered en bloc. . . .

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: . . . Does not the rule re-

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7. Aime J. Forand (R.I.).

8. 118 CONG. REC. 28886, 92d Cong. 2d Sess. Under consideration was H.R. 13915 (Committee on Education and Labor).

quire that the bill be read for amendment by title?

The Chairman:[9] The Chair would advise the gentleman that he is correct. However, a unanimous-consent request to consider en bloc at this time an amendment in this title and an amendment in a subsequent title is appropriate if there is no objection.

Mr. Waggonner: Mr. Chairman, I object.

§ 9.14 Amendments affecting portions of a bill which have not yet been read may be considered (en bloc) by unanimous consent only.

On Aug. 7, 1978,[10] during consideration of H.R. 13635 (the Defense Department appropriations) a unanimous-consent request was agreed to as set out below:

Mr. [William L.] Dickinson [of Alabama]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Dickinson: On page 2, line 11, strike "$9, 123,000" and insert in lieu thereof "$9,125,299,000". . . .

Mr. [Harold L.] Volkmer [of Missouri]: Mr. Chairman, I would like to make a parliamentary inquiry. In the event the amendments offered by the gentleman from Alabama, which probably go to . . . more than one title, if they were adopted, would that preclude thereafter a general 2-percent across-the-board amendment to the same title?

The Chairman Pro Tempore: The amendments of the gentleman from Alabama go to at least four titles of the bill, and to the extent that they change figures by amendment, they are not subject to further amendment if adopted.

Mr. Volkmer: Would a general 2-percent across-the-board cut, which does not actually change the figure, be in order?

The Chairman Pro Tempore: That would still be in order.

Mr. Volkmer: As far as my amendments to the bill, if the gentleman from Alabama wishes to reoffer his amendments en bloc for the rest of them, I would not object. . . .

Mr. Dickinson: Mr. Chairman, I would ask unanimous consent that the amendments be considered en bloc.

The Chairman Pro Tempore: Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Chairman Pro Tempore: The Clerk will report the remaining amendments.

The Clerk read as follows:

> Amendments offered by Mr. Dickinson: And on page 2, line 19, strike "$6,456,450,000" and insert in lieu thereof "$6,448,150,000";
>
> On page 3, line 3, strike "$2,015,900,000" and insert in lieu thereof "$2,015,200,000";
>
> On page 6, line 4, strike "$9,097,422,000" and insert in lieu thereof "$9,115,422,000";
>
> On page 6, line 15, strike "$11,705,155,000" and insert in lieu thereof "$11,691,755,000";

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[9] Morris K. Udall (Ariz.).

[10] 124 Cong. Rec. 24686, 24689, 24690, 95th Cong. 2d Sess.

> On page 14, line 24, strike "$916,708,000" and insert in lieu thereof "$917,400,000"; and
>
> On page 56, beginning on line 1 and ending on line 4, strike section 856 in its entirety and renumber all subsequent sections accordingly.

THE CHAIRMAN PRO TEMPORE [Mr. (Richard A.) Gephardt (of Missouri)]: Is there objection to the request of the gentleman from Alabama (Mr. Dickinson) to consider the amendments en bloc?

There was no objection.

§ 9.15 To a bill being read for amendment by title, an amendment to the pending title and to a subsequent title may be offered en bloc only by unanimous consent.

On Oct. 1, 1985,(11) during consideration of H.R. 2100(12) in the Committee of the Whole, the situation described above occurred as follows:

THE CHAIRMAN:(13) When the Committee of the Whole rose on Thursday, September 26, title IV was open to amendment at any point to amendments printed in the Congressional Record before September 24, 1985.

Are there amendments to title IV? . . .

The Clerk read as follows:

> Amendment offered by Mr. Glickman: Title IV of H.R. 2100 is amended by—
>
> On page 65, after line 8, striking all through "shall" on line 11 and inserting in lieu thereof the following:
>
> "(2) If the Secretary determines that the availability of nonrecourse loans and purchases will not have an adverse effect on the program provided for in paragraph (3), the Secretary may"; . . .
>
> Title V of H.R. 2100 is amended by—
>
> On page 87, after line 15, striking all through "shall" on line 18 and inserting in lieu thereof the following: . . .

MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, I believe a point of order would lie against the amendment offered by the gentleman from Kansas (Mr. Glickman) because the amendment, if I understand the amendment that is being offered, goes to more than one title of the bill. . . .

MR. [DAN] GLICKMAN [of Kansas]: Mr. Chairman, the amendment amends two titles of the bill. To be frank with the Chair, it was submitted as one amendment, but the intention of the author of this amendment as well as the other authors was to deal with the issues as they affected title IV and then title V. I put it in one title of the bill, but, to be honest with the Chair, the issues are divisible, they are separate. I could have amended it and put it in two separate amendments. I did not because that is not the way the issue came up in the Committee on Agriculture. . . .

MR. ROBERT F. SMITH [of Oregon]: . . . Mr. Chairman, rule III of the rules provides that consideration can only be by title, not by section. I think the point remains that there is no question that this amendment does affect two titles. . . .

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11. 131 CONG. REC. 25418-20, 99th Cong. 1st Sess.
12. The Food Security Act of 1985.
13. David E. Bonior (Mich.).

MR. [ARLAN] STANGELAND [of Minnesota]: . . . I just want to make the point that the amendment was printed in two distinctly separate sections. One portion of the amendment dealt with wheat and target prices and marketing loans. The second section of the amendment deals with title V, the feed grain section. Two distinctly different amendments but introduced in the Record as, unfortunately, one amendment. . . . I would just appeal to the Chair that the intent of the authors was that because they were handled en bloc in committee, we would run that way, but they are divisible, they can be addressed to title IV and title V very distinctly in the amendment. . . .

THE CHAIRMAN: The Chair is prepared to rule.

The Chair would state that the Chair can only look at the form in which the amendment has been submitted for printing on the Record. According to the rule, the substitute shall be considered for amendment by title instead of by sections, and only amendments to the bill which have been printed in the Record by September 24 may be offered.

Therefore, the only way in which the amendment that the gentleman from Kansas (Mr. Glickman) wishes to offer could be considered is by unanimous consent.

The Chair sustains the point of order.

§ 9.16 To a bill being read for amendment by sections, amendments to more than one section may be considered en bloc by unanimous consent only.

On Oct. 5, 1977,(14) the Committee of the Whole having under consideration H.R. 8410,(15) the Chair responded to a parliamentary inquiry concerning the procedure for offering amendments to two sections of the bill:

THE CHAIRMAN:(16) Are there further amendments to section 7? . . .

MR. [JOHN N.] ERLENBORN [of Illinois]: Mr. Chairman, I have amendments that amend both sections 7 and 8. The amendment to section 7 is technical and conforming in nature. The substance of the amendments is to section 8.

I would ask the Chairman if I might offer my amendments now, or should I wait until section 8 has been read?

THE CHAIRMAN: The Chair will advise the gentleman from Illinois (Mr. Erlenborn) that if the gentleman desires to offer his amendments as one amendment, he will have to obtain unanimous consent to do so, either now or when section 8 is read.

—Amendments Relating to Same Subject Matter Considered En Bloc

§ 9.17 Amendments to several portions of a title of a bill being read by titles may be offered as one amendment where they relate to the same subject matter, and unanimous consent

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14. 123 CONG. REC. 32523, 32524, 95th Cong. 1st Sess.
15. The Labor Reform Act of 1977.
16. William H. Natcher (Ky.).

is not required for their consideration en bloc.

On Oct. 5, 1978,(17) the Committee of the Whole having under consideration H.R. 13471, the above-stated proposition was illustrated as indicated below:

THE CHAIRMAN:(18) When the Committee rose on Tuesday, October 3, 1978, all time for general debate on this bill had expired. Pursuant to the rule, the bill will be considered by titles, and each title shall be considered as having been read.

Title I is as follows:

H.R. 13471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Financial Institutions Regulatory Act of 1978". . . .

MR. [THOMAS N.] KINDNESS [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kindness: Page 3, line 12, insert "(1)" after "(d)", and on page 4, immediately after line 4, insert the following:

"(2) The United States shall pay to any member bank or person who prevails in an appeal pursuant to this section a reasonable attorney's fee and other reasonable litigation costs, which shall be assessed by the court in the manner provided by law for the assessment of costs. . . .

Page 5, line 25, insert "(A)" after "(4)", and on page 6, immediately after line 14 insert the following:

"(B) The United States shall pay to any member bank or person who prevails in an appeal pursuant to this section a reasonable attorney's fee. . . .

Page 8, line 10, insert "(A)" after "(4)", and immediately after line 24, insert the following:

"(B) The United States shall pay to any association or person who prevails in an appeal pursuant to this section a reasonable attorney's fee. . . .

Page 20, line 17, after the period insert the following: "The United States shall pay to any company or person who prevails in an appeal under section 9 a reasonable attorney's fee. . . .

MR. KINDNESS: Mr. Chairman, I would make the request, if it is necessary, that the amendment be considered en bloc, because it is a series of identical or practically identical amendments.

THE CHAIRMAN: It will be considered as one amendment.

—Perfecting Amendment and Amendment Inserting New Section

§ 9.18 Motions to strike out and insert provisions on diverse pages and lines of a bill and to insert a new section constitute separate amendments which can be offered en bloc only by unanimous consent.

On Apr. 20, 1972,(19) the following proceedings took place:

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17. 124 CONG. REC. 33799, 33810, 95th Cong. 2d Sess.
18. Mike McCormack (Wash.).
19. 118 CONG. REC. 13641, 13642, 92d Cong. 2d Sess. Under consideration was H.R. 14070 (Committee on Science and Astronautics).

MR. [LES] ASPIN [of Wisconsin]: Mr. Chairman, I offer amendments and ask unanimous consent that they be considered as read. . . .

The amendments offered by Mr. Aspin are as follows:

> Page 1, line 8, strike out "$1,094,200,000" and insert in lieu thereof "$894,000". . . .
>
> Page 11, insert the following new section after line 25 (and redesignate the succeeding section accordingly):
>
> "Sec. 7. . . ."

MR. [OLIN E.] TEAGUE of Texas: Do I understand the gentleman has two amendments?

MR. ASPIN: No; they are both one amendment.

MR. TEAGUE of Texas: Is it not the intention of the gentleman to ask unanimous consent to have the two amendments considered together?

MR. ASPIN: I did not make such a request, but I intend for them to be put together. They are on two pieces of paper, but they are supposed to be one amendment.

MR. TEAGUE of Texas: Mr. Chairman, the gentleman has one amendment and we intend to make a point of order against one of them.

Is it not the proper procedure to have the two put together and be considered together?

THE CHAIRMAN:(20) The Chair has examined the amendments and determines that this is indeed more than one amendment and, without unanimous consent, could not be joined.

—Sections Open for Amendment if Amendments Rejected

§ 9.19 Where there was pending a unanimous-consent request that several amendments to sections of the bill which had not been read be considered en bloc, the Chair indicated that those sections would be open for amendment as they were read if the pending amendments were rejected.

On Aug. 3, 1971,(1) the following proceedings took place:

MR. [RONALD V.] DELLUMS [of California]: Mr. Chairman, I offer amendments; and I ask unanimous consent that this series of amendments may be considered en bloc. . . .

MR. [THOMAS E.] MORGAN [of Pennsylvania]: . . . Do I correctly understand that the gentleman is requesting unanimous consent to have these amendments considered en bloc, and that they refer to various sections in the bill, beginning with the development loan section and continuing at various points to the East Pakistan refugee section?

MR. DELLUMS: That is correct, Mr. Chairman. . . .

MR. [JAMES G.] FULTON [of Pennsylvania]: . . . If this amendment is voted down can there be further amendments then offered to the money provisions of the various sections of the bill?

THE CHAIRMAN:(2) If this amendment is rejected, when those particular sec-

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20. John J. Rooney (N.Y.).

1. 117 CONG. REC. 29094, 92d Cong. 1st Sess. Under consideration was H.R. 9910 (Committee on Foreign Affairs).
2. Charles M. Price (Ill.).

tions are open to amendment there could be other amendments offered.

—Special Rule Providing for Disposition of En Bloc Amendments Prior to Floor Amendment

§ 9.20 Pursuant to a special rule making in order the offering of a designated amendment to a part of a bill only after the disposition of three groups of committee amendments to that part, the Chair indicated the third group of amendments en bloc must be disposed of prior to the offering of a floor amendment to that part.

On Aug. 3, 1977,(3) during consideration of H.R. 8444 (the National Energy Act), the Chair responded to a parliamentary inquiry as indicated above. The proceedings were as follows:

THE CHAIRMAN:(4) . . . The Clerk will designate the next ad hoc committee amendment.

The Clerk read as follows:

> Page 193, line 11, after "the cost of" insert "compression,". . . .

The question is on the ad hoc committee amendment.

The ad hoc committee amendment was agreed to.

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, I have a parliamentary inquiry.

Is the amendment that was made in order by the rule in order now?

THE CHAIRMAN: The Chair would like to advise the gentleman from Ohio that there are other ad hoc amendments.

The Clerk will designate the next ad hoc committee amendments, which under the rule are considered as read and considered en bloc.

The Clerk read as follows:

> Page 209, lines 3 and 4, on page 209, lines 12 through page 210, line 6, on page 210, line 7, on page 210, lines 16 through 18, on page 211, line 6, on page 211, lines 23 through 25, on page 212, lines 4 through 6, and on page 212, lines 16 through 18. . . .

THE CHAIRMAN PRO TEMPORE:(5) The question is on ad hoc committee amendments.

The ad hoc committee amendments were agreed to.

—Amendments Made in Order by Special Rule Not Offered From Floor

§ 9.21 Where a bill is being considered under a special rule providing for consideration en bloc of certain committee amendments printed in the bill, the Chair directs the Clerk to report the amendments en bloc and they need not be offered from the floor.

On July 8, 1975,(6) the Committee of the Whole having under

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3. 123 CONG. REC. 26447, 26448, 95th Cong. 1st Sess.
4. Edward P. Boland (Mass.).
5. William H. Natcher (Ky.).
6. 121 CONG. REC. 21630, 94th Cong. 1st Sess.

consideration H.R. 49, pursuant to a special rule, the following proceedings occurred:

> The Chairman:(7) Under the rule, it shall now be in order to consider en bloc the amendments recommended by the Committee on Armed Services now printed in the bill.
>
> The Clerk read as follows:
>
> > Committee amendments:
> >
> > Page 3, between lines 19 and 20 insert the following: "TITLE I".
> >
> > Page 3, line 20, strike out "That in" and insert "Sec. 101. In". . . .
>
> Mr. [F. Edward] Hébert [of Louisiana]: Mr. Chairman, I will not offer the amendments of the Armed Services Committee as described in the rule.
>
> The Chairman: The Chair will advise the gentleman from Louisiana that under the rule the amendments are offered and presented en bloc. They have been presented.

—*Further Amendment After En Bloc Amendments Agreed To*

§ 9.22 Where, pursuant to a special order, amendments en bloc to several titles of a bill have been agreed to, a further amendment which would (1) amend portions of the amendments already agreed to en bloc or (2) amend unamended portions of a previous title already passed in the reading is not in order, the bill not being open to amendment at any point.

On July 12, 1983,(8) it was illustrated that, while it may be in order to offer an amendment to the pending portion of a bill which not only changes a provision already amended but also changes an unamended pending portion of the bill, it is not in order merely to amend portions of a bill that have been changed by amendment or to amend unamended portions that have been passed in the reading and are no longer open to amendment. The proceedings in the Committee of the Whole, acting pursuant to a special order, were as follows:

> Mr. [Steve] Bartlett [of Texas]: Mr. Chairman, I offer an amendment.
>
> The Chairman:(9) The Chair wishes to inquire of the gentleman from Texas, is the gentleman from Texas offering these amendments en bloc?
>
> Mr. Bartlett: These amendments are not offered en bloc, Mr. Chairman. . . .
>
> The Chairman: Could the gentleman from Texas identify which amendment it is?
>
> Mr. Bartlett: The amendment begins, "Strike out the item agreed to in the amendment relating to page 50, line 3, of the bill."
>
> The Chairman: The Clerk will report the amendment.
>
> The Clerk read as follows:

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(7) Neal Smith (Iowa).

(8) 129 Cong. Rec. 18771, 98th Cong. 1st Sess.

(9) Norman Y. Mineta (Calif.).

> Amendment offered by Mr. Bartlett: Strike out the item agreed to in the amendment offered by Mr. Gonzalez relating to page 50, line 3, of the bill and insert in lieu thereof the following item:
>
> Page 50, line 3, strike out "$729,033,000" and insert in lieu thereof "$549,948,000".
>
> Strike out the item agreed to in the amendment offered by Mr. Gonzalez relating to page 50, line 8, of the bill. . . .
>
> Strike out the item agreed to in the amendment offered by Mr. Gonzalez relating to page 106, line 3, of the bill.
>
> Strike out the item agreed to in the amendment offered by Mr. Gonzalez relating to page 106, line 8, of the bill.
>
> Strike out the item agreed to in the amendment offered by Mr. Gonzalez relating to page 117, lines 19 through 22, of the bill.

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I make a point of order against the amendment. . . .

In the first place, this amendment attempts to perfect and change the provisions of the bill that have already been perfected under my amendment by nature of a substitute, the amendment previously approved by the committee. As such I believe the amendment is not in order and I raise a point of order against it.

In addition, the amendment attempts to amend title II which has already been passed in the reading and, therefore, for those two basic reasons I wish to interject this point of order against the pending amendment. . . .

MR. BARTLETT: Mr. Chairman, I would comment that my amendment is broader in scope than the Gonzalez amendment as it would strike all of title III and strike section 231 of the bill which relates to the 235 assistance, and my amendment is broader in scope than merely the previously adopted Gonzalez amendment.

THE CHAIRMAN: With one exception, and that is the portion of the amendment that begins on page 106 striking title III, these amendments en bloc seek either to amend portions of the Gonzalez amendment already agreed to en bloc or to amend unamended portions of the bill contained in title I and title II which have been passed in the reading.

Thus since the bill is not open at any point, the amendments en bloc are not in order and the Chair sustains the point of order.

Are there further amendments to title III?

If not, the Clerk will designate title IV.

§ 10. Amendments to Bills Being Read by Title

Committee Amendments Considered First

§ 10.1 Where a bill is read for amendment by titles, committee amendments to a pending title are first considered before the Chair recognizes Members to offer additional amendments.

On Nov. 11, 1971,(10) the Committee of the Whole had under

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10. 117 CONG. REC. 40593, 40594, 92d Cong. 1st Sess.

consideration a bill (H.R. 11341) reported from the Committee on the District of Columbia:

> **The Chairman:**(11) The Clerk will read.
>
> The Clerk read as follows:
>
> TITLE VII
>
> GENERAL PROVISIONS
>
> Sec. 701. (a) The Commissioner of the District of Columbia is authorized and empowered, in his discretion, for the best interests of the District of Columbia, to sell and convey, in whole or in part, to the highest bidder, at public or private sale, for not less than the fair market value thereof, certain real estate now owned in fee simple by the United States of America. . . .
>
> **The Chairman:** The Clerk will report the first committee amendment to this title.
>
> The Clerk read as follows:
>
> Committee amendment. On page 10, line 14, strike out "3-216" and insert in lieu thereof "3-215".
>
> **Mr. [Lawrence J.] Hogan** [of Maryland]: Mr. Chairman, I have an amendment at page 8.
>
> **The Chairman:** The Chair would ask the gentleman whether it is an amendment to the committee amendment or to the section.
>
> **Mr. Hogan:** It is to section 7, Mr. Chairman.
>
> **The Chairman:** If the gentleman will allow the Chair to dispose of all the committee amendments to the section, then the gentleman's amendment will be in order at that time.

Amendment Offered to Title Not Yet Read

§ 10.2 When a bill is being read by titles, an amendment to a title that has not been read is not in order.

On Aug. 9, 1966,(12) the following proceedings took place:

> **The Chairman:**(13) As the Chair understands the reading of the amendment, this is, in fact, an amendment to title VIII, to add a new section, line 3, to title VIII?
>
> **Mr. [Charles McC.] Mathias** [Jr., of Maryland]: Mr. Chairman, this is a substitute for title VIII and renumbers the existing title VIII. Page 2 of the amendment says to renumber the following section accordingly.
>
> **The Chairman:** The Chair believes that it should be offered after title VIII has been read.

Amendment to Title Passed in Reading

§ 10.3 Where a bill is being read by titles, an amendment may not be offered to a title that has been passed by the Clerk's reading of the following one.

On Feb. 6, 1964,(14) the following proceedings took place:

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11. John J. McFall (Calif.).
12. 112 Cong. Rec. 18728, 89th Cong. 2d Sess. Under consideration was H.R. 14765 (Committee on the Judiciary).
13. Richard Bolling (Mo.).
14. 110 Cong. Rec. 2290, 2291, 88th Cong. 2d Sess. Under consideration was H.R. 7152 (Committee on the Judiciary).

The Clerk read as follows:

Page 55, line 12:

"TITLE V—COMMISSION ON CIVIL RIGHTS

"Sec. 501. Section 102 of the Civil Rights Act ——."

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, there is a committee amendment at the desk to title IV.

THE CHAIRMAN:(15) No one offered the amendment. Without objection. . . .

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, reserving the right to object, to what title of the bill does the amendment go?

THE CHAIRMAN: TITLE IV. . . .

Objection is heard.

The Clerk will read.

The Clerk read as follows:

TITLE V—COMMISSION ON CIVIL RIGHTS

Sec. 501. Section 102 of the Civil Rights Act of 1957 (42 U.S.C. 1975a; 71 Stat. 634) is amended to read as follows: . . .

Parliamentarian's Note: In reading a bill for amendment under the five-minute rule by title, pursuant to the resolution making the bill in order, a title is not passed until the reading of the next title has begun.

§ 10.4 Where a bill is being read by titles, return to a previous title for purposes of offering an amendment is by unanimous consent.

For an example of the application of this principle, see the proceedings of Feb. 6, 1964, discussed in § 10.3, supra.

Sections Preceding First Title

§ 10.5 Where a bill, pursuant to a special order, is being read by titles for amendment and a section (the short title) precedes title I, the section is considered as the first title for purpose of amendment, and amendments to title I are not in order until title I has actually been read.

An example of the proposition described above occurred on May 8, 1980,(16) during consideration of S. 1309, the Food Stamp Amendments of 1980. The proceedings in the Committee of the Whole were as follows:

THE CHAIRMAN:(17) When the Committee of the Whole rose on Wednesday, May 7, section 1 had been considered as having been read and open to amendment at any point. It shall be in order to consider an amendment to title I of said substitute printed in the Congressional Record on April 30, 1980, and said amendment shall not be subject to amendment except for the offering of pro forma amendments for the purpose of debate. No further amendments are in order which fur-

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15. Eugene J. Keogh (N.Y.).

16. 126 CONG. REC. 10421, 96th Cong. 2d Sess.

17. Paul Simon (Ill.).

ther change or affect the Internal Revenue Code. . . .

Are there any amendments to section 1?

Mr. [Steven D.] Symms [of Idaho]: Mr. Chairman, I offer an amendment.

The Chairman: The gentleman from Idaho has an amendment to section 1. This is the short title of the bill.

Mr. Symms: It is on page 24, Mr. Chairman.

The Chairman: The Chair doubts that that is an amendment to section 1. The amendment of the gentleman form Idaho (Mr. Symms) is not to section 1, but to title I.

The Clerk will read title I.

§ 10.6 Where a bill being read by title pursuant to a special rule contains several sections preceding the first title, those sections are read separately for amendment in the absence of unanimous consent that they be read en bloc.

On Oct. 9, 1975,(18) the Committee of the Whole having under consideration a bill(19) pursuant to a special rule as described above, the following proceedings occurred:

The Chairman:(20) . . . Pursuant to the rule, the Clerk will now read by title the substitute committee amendment printed in the reported bill as an original bill, for the purpose of amendment.

The Clerk read as follows:

H.R. 200

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Short Title.

This Act may be cited as the "Marine Fisheries Conservation Act of 1975".

Sec. 2. Congressional Findings, Policy, and Purposes.

(a) Findings.—The Congress finds and declares the following:

(1) Coastal species of fish which inhabit the waters adjacent to the United States . . . constitute an irreplaceable resource which contribute to the food supply and economy of the Nation as well as to the health and recreation of its people. . . .

Mr. [Leonor K.] Sullivan [of Missouri]: Mr. Chairman, I ask unanimous consent that the bill be considered as read by title, printed in the Record, and open to amendment at any point. . . .

Mr. [Bob] Eckhardt [of Texas]: Mr. Chairman, reserving the right to object, I merely want to understand what is meant here. Title I seems to start on page 16.

The Chairman: As I understand the request, it was as to the first three sections preceding title I.

Mr. Eckhardt: That they would be read by section?

The Chairman: The gentlewoman is asking unanimous consent that they be considered as read.

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18. 121 Cong. Rec. 32575, 32576, 94th Cong. 1st Sess.
19. H.R. 200, Marine Fisheries Conservation Act of 1975.
20. Neal Smith (Iowa).

MR. ECKHARDT: That they be considered as read and then read by title?

THE CHAIRMAN: The gentleman is correct.

MR. ECKHARDT: Mr. Chairman, I withdraw my reservation of objection.

THE CHAIRMAN: Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

§ 10.7 Where a committee amendment in the nature of a substitute is being read for amendment by titles instead of sections, and title I of that substitute is preceded by several sections, the Clerk reads those sections separately for amendment before title I is read.

On Aug. 17, 1972,[21] the following proceedings took place:

THE CHAIRMAN:[22] Pursuant to the rule, the Clerk will now read by titles instead of by sections the committee amendment in the nature of a substitute printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Educational Opportunities Act of 1972".

POLICY AND PURPOSE

Sec. 2. (a) The Congress declares it to be the policy of the United States that—

(1) all children enrolled in public schools are entitled to equal educational opportunity.

A similar principle was applied in the proceedings of Aug. 2, 1977.[23] On that date, where a bill[1] was, pursuant to a special order, being considered for amendment by "parts", and several sections preceded part I, each of those sections was considered as a separate part for the purpose of the special order:

[T]he House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8444, with Mr. Boland in the chair.

The Clerk read the title of the bill.

THE CHAIRMAN:[2] When the Committee rose on Monday, August 1, 1977, all time for general debate had expired.

Pursuant to the rule, the bill is considered by parts and each part is considered as having been read for amendment. No amendment shall be in order except pro forma amendments and amendments made in order pursuant to House Resolution 727, which will not be subject to amendment, except amendments recommended by the ad hoc Committee on Energy and amendments made in order under House Resolution 727. . . .

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[21] 118 CONG. REC. 28870, 92d Cong. 2d Sess. Under consideration was H.R. 13915 (Committee on Education and Labor).

[22] Morris K. Udall (Ariz.).

[23] 123 CONG. REC. 26124, 26125, 95th Cong. 1st Sess.

[1] H.R. 8444, National Energy Act.

[2] Edward P. Boland (Mass.).

The Clerk will designate the part of the bill now pending for consideration.

The Clerk read as follows:

> Page 9, line 1, section 2. (Section 2 reads as follows:)
>
> SEC. 2. FINDINGS AND STATEMENT OF PURPOSES. . . .

MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Chairman, so I will know how we are going to proceed, are we going to go through the bill section by section, with the reading of each section?

THE CHAIRMAN: The Chair will inform the gentleman that the bill will be considered part by part with each part considered as read. The bill will not be read section by section.

MR. VOLKMER: So we will continue, Mr. Chairman, with the reading of each section or part, then, and the title of the section?

THE CHAIRMAN: The Chair will further inform the gentleman that section 4 precedes part I, and after that section has been disposed of, we will move to part I of the bill. We have been considering the preliminary four sections as separate parts.

§ 10.8 Where a committee amendment in the nature of a substitute is being read as an original bill for amendment by titles instead of by sections, and title I of that substitute is preceded by several sections, the Clerk reads those sections separately for amendment before title I is read.

On Sept. 8, 1976,(3) the Committee of the Whole having under consideration H.R. 10498,(4) Mr. James T. Broyhill, of North Carolina, inquired about the procedure for reading for amendment the committee amendment in the nature of a substitute. The proceedings were as follows:

THE CHAIRMAN:(5) When the Committee rose on Thursday, September 2, 1976, all time for general debate on the bill had expired.

Pursuant to the rule, the Clerk will now read by titles the substitute committee amendment recommended by the Committee on Interstate and Foreign Commerce, now printed in the reported bill as an original bill, for the purpose of amendment. . . .

MR. BROYHILL: Mr. Chairman, it was my understanding of the parliamentary situation that section 1 and section 2 would be read prior to the reading of title I.

THE CHAIRMAN: The gentleman is correct. The Clerk will read section 1.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*
>
> SHORT TITLE AND TABLE OF CONTENTS
>
> Section 1. This Act, together with the following table of contents, may

---

(3) 122 CONG. REC. 29216, 29217, 94th Cong. 2d Sess.

(4) The Clean Air Act Amendments of 1976.

(5) J. Edward Roush (Ind.).

be cited as the "Clean Air Act Amendments of 1976".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Authorizations.

The Chairman: Are there amendments to section 1? If not, the Clerk will read section 2.

The Clerk read as follows:

AUTHORIZATIONS

Sec. 2. (a) Section 316 of the Clean Air Act (42 U.S.C. 18571) is amended by striking out "and $300,000,000" and inserting in lieu thereof "$300,000,000" and by striking out the period at the end thereof and substituting the following: ", $175,000,000 for the fiscal year 1976."

Parliamentarian's Note: Under the above procedure, an amendment in the nature of a substitute for the entire bill would have been in order after section 1 was read for amendment.

—*Amendment in Nature of Substitute Offered After First Section Read*

§ 10.9 Where a bill (or an amendment in the nature of a substitute being considered as original text) is being read by titles for amendment, and several sections precede title I, an amendment in the nature of a substitute may be offered after the reading of the first section (which is considered a separate title).

In the proceedings described below, which occurred on May 18, 1978,(6) the Committee of the Whole had under consideration House Resolution 39, the Alaska National Interest Conservation Lands Act of 1978. An amendment in the nature of a substitute (the Leggett amendment) was offered which, pursuant to House Resolution 1186, agreed to the previous day, was to be read for amendment under the five-minute rule as an original bill by title. To such amendment, an amendment in the nature of a substitute (the "Meeds amendment") was subsequently offered.

Mr. [Robert L.] Leggett [of California]: Mr. Chairman, I offer an amendment in the nature of a substitute, the text of H.R. 12625.

The Chairman:(7) The Clerk will read the amendment in the nature of a substitute by titles.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Leggett: Strike out all after the enacting clause and insert in lieu thereof the following:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

---

6. 124 Cong. Rec. 14391, 14394, 95th Cong. 2d Sess.

7. Paul Simon (Ill.).

SHORT TITLE AND TABLE OF CONTENTS

Section 1. This Act, together with the following table of contents, may be cited as the Alaska National Interest Lands Conservation Act".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents. . . .

Mr. [Lloyd] Meeds [of Washington]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Meeds:

Strike all after the enacting clause and insert:

This Act, together with the following table of contents, shall be cited as the "Alaska National Interest Lands Conservation Act".

Sec. 1. Short title and table of contents.

Entire Title Read Before Amendment

§ 10.10 Where pursuant to a special rule a bill is being read for amendment by titles instead of by sections, no amendment to the pending title, including pro forma amendments, can be offered until the entire title is read or its reading dispensed with by unanimous consent.

On Sept. 10, 1976,(8) during consideration of H.R. 10498(9) in the Committee of the Whole, the Chair(10) responded to a parliamentary inquiry regarding the offering of amendments as described above. The proceedings were as indicated below:

The Chairman: When the Committee rose on Thursday, September 9, 1976, the Clerk had read through line 19 on page 236.

The Clerk will read title II. . . .

Mr. [James T.] Broyhill [of North Carolina]: Mr. Chairman, is it not a fact that no amendments can be offered to this title until the entire title is read?

The Chairman: The gentleman is correct. . . .

Mr. [Tim Lee] Carter [of Kentucky]: Mr. Chairman, I move to strike the last word.

The Chairman: The Chair would advise the gentleman that this request is not in order during the reading of the title.

Mr. Carter: Mr. Chairman, I ask unanimous consent that this title be considered as read, printed in the Record, and open to amendment at any point.

Amendment Adding New Title

§ 10.11 The Chair may decline recognition to offer an amendment adding a new title to a bill until all amendments to the pending title have been disposed of.

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(8) 122 Cong. Rec. 29724, 29732, 94th Cong. 2d Sess.

(9) The Clean Air Act Amendments of 1976.

(10) J. Edward Roush (Ind.).

On Mar. 16, 1978,(11) the Committee of the Whole having under consideration H.R. 50,(12) the above-stated proposition was illustrated as indicated below:

> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Bauman: On page 106 add the following new title:
> >
> > "TITLE V. . . .
>
> THE CHAIRMAN PRO TEMPORE: Before the Chair would entertain this amendment, the Chair would like to know if there are other amendments to title IV?
>
> MR. [CLARENCE] LONG of Maryland: Mr. Chairman, I wish to offer an amendment.
>
> THE CHAIRMAN PRO TEMPORE: The Chair would like to advise the gentleman from Maryland (Mr. Bauman) if his amendment were accepted at this time it would cut off the additional amendments. Would the gentleman withhold? . . .
>
> The Chairman would like to state to the gentleman that the Chair should have inquired of the gentleman from Maryland (Mr. Bauman) as to the nature of his amendment before extending recognition.

[Mr. Bauman withdrew his amendment by unanimous consent.]

§ 10.12 An amendment adding a new title to a bill being read for amendment by titles may not be offered until the preceding title has been read for amendment, and may not be offered after the first title (or section preceding the first title) only has been read, unless the proposition to add a new title is contained in a properly drafted amendment in the nature of a substitute which strikes out all after the enacting clause and inserts an entirely new text for the bill.

On May 8, 1980,(13) the Committee of the Whole having under consideration S. 1309,(14) the above-stated proposition was illustrated as indicated below:

> THE CHAIRMAN:(15) When the Committee of the Whole rose on Wednesday, May 7, section 1 had been considered as having been read and open to amendment at any point. It shall be in order to consider an amendment to title I of said substitute printed in the Congressional Record on April 30, 1980, and said amendment shall not be subject to amendment except for the offering of pro forma amendments for the purpose of debate. No further amendments are in order which fur-

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11. 124 CONG. REC. 7333-36, 95th Cong. 2d Sess.
12. Full Employment and Balanced Growth Act of 1978.
13. 126 CONG. REC. 10421, 96th Cong. 2d Sess.
14. The Food Stamp Amendments of 1980.
15. Paul Simon (Ill.).

ther change or affect the Internal Revenue Code.

Are there any amendments to section 1?

Mr. [Robert S.] Walker [of Pennsylvania]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Walker: Page 39, after line 22 insert the following new title:

Mr. Walker (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The Chairman: Is there objection to the request of the gentleman from Pennsylvania?

There was no objection. . . .

The Chairman: The gentleman will suspend for just a moment. The Chair is advised by the Parliamentarian that the gentleman has not offered a proper amendment in the nature of a substitute here. An amendment in the nature of a substitute would strike everything after the enacting clause. This is an amendment adding a new title III.

Mr. Walker: Mr. Chairman, it was my understanding that the amendment was prepared in the form of a substitute.

The Chairman: The amendment at the desk is not prepared in that form, the Chair is advised. When the committee reaches title II, the first part of the gentleman's amendment would be in order. The Chair will rule that the amendment is not pending at this time.

—Effect of Adoption

§ 10.13 Adoption of an amendment adding a new title to a bill being read by titles precludes further amendment to the preceding title.

On Mar. 16, 1978,(16) during consideration of H.R. 50(17) in the Committee of the Whole, an amendment adding a new title to the bill was offered which prompted an exchange as indicated below:

> Mr. [Robert E.] Bauman [of Maryland]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Bauman: On page 106 add the following new title:
>
> "Title V. . . .
>
> The Chairman Pro Tempore: Before the Chair would entertain this amendment, the Chair would like to know if there are other amendments to title IV?
>
> Mr. [Clarence] Long of Maryland: Mr. Chairman, I wish to offer an amendment.
>
> The Chairman Pro Tempore: The Chair would like to advise the gentleman from Maryland (Mr. Bauman) if his amendment were accepted at this time it would cut off the additional amendments. Would the gentleman withhold? . . .

---

16. 124 Cong. Rec. 7333–36, 95th Cong. 2d Sess.
17. Full Employment and Balanced Growth Act of 1978.

Mr. Bauman: [B]efore making that judgment, the gentleman from Minnesota who has a substitute for the entire bill would still be in order; would he not?

The Chairman Pro Tempore: The gentleman is correct on that. . . .

Mr. Bauman: . . . I withdraw my amendment in deference to the gentleman from Maryland (Mr. Long).

The Chairman Pro Tempore: Without objection the gentleman from Maryland (Mr. Bauman) withdraws his amendment.

§ 11. Amendments to Bills Considered as Read and Open to Amendment

Unanimous Consent as Requirement

§ 11.1 The Committee of the Whole may, by unanimous consent, agree that a bill being read by sections under the five-minute rule be considered as read and open to amendment at any point, but a motion to that effect is not in order.

On June 26, 1972,(18) the following exchange took place:

Mr. [Earle] Cabel [of Texas]: Mr. Chairman, I move that the bill be considered as read and printed at this point in the Record and open to amendment at any point.

The Chairman:(19) The Chair must rule that the gentleman from Texas is not in order in making that motion at this time. The Chair will entertain, however, a unanimous-consent request to that effect.

§ 11.2 A bill may be considered as read and open to amendment at any point only by unanimous consent, and a motion to that effect is not in order.

On June 4, 1975,(20) the Committee of the Whole having under consideration H.R. 6219,(1) a unanimous-consent request, as described above, was objected to as indicated below:

Mr. [Don] Edwards of California: . . . Mr. Chairman, I believe we have an agreement to vote on the final passage of the bill at 6:30 and with a time limitation on certain amendments that remain, so I ask unanimous consent at this time that the bill be considered as read in full and open to amendment at any point.

The Chairman:(2) Is there objection to the request of the gentleman from California?

Mr. [James P.] Johnson of Colorado: Mr. Chairman, I object.

Mr. Edwards of California: Mr. Chairman, I so move.

---

18. 118 Cong. Rec. 22404, 92d Cong. 2d Sess. Under consideration was H.R. 15507.

19. John Brademas (Ind.).

20. 121 Cong. Rec. 16895, 94th Cong. 1st Sess.

1. Voting Rights Act extension.

2. Richard Bolling (Mo.).

The Chairman: The motion is not in order. Only title II could be closed at this time by a motion.

§ 11.3 On one occasion, no objection being raised, a motion was made and agreed to that a bill be considered as read and open for amendment at any point, following objection to a unanimous-consent request for that purpose.

On May 28, 1958,(3) the following proceedings took place:

Mr. [Leo W.] O'Brien of New York (during the reading of the bill): Mr. Chairman, I ask unanimous consent that the bill be considered as read and be open for amendment at any point....

Mr. [Clare E.] Hoffman [of Michigan]: Mr. Chairman, I object.

Mr. O'Brien of New York: Mr. Chairman, I move that the bill be considered as read and be opened for amendment at any point.

The Chairman:(4) The question is on the motion offered by the gentleman from New York [Mr. O'Brien].

The motion was agreed to.

§ 11.4 During the reading of a section for amendment, that section can be considered as read and open to amendment at any point only by unanimous consent.

On Aug. 17, 1972,(5) the following proceedings took place:

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Equal Educational Opportunities Act of 1972". . . .

Mr. [Roman C.] Pucinski [of Illinois] (during the reading): A parliamentary inquiry, Mr. Chairman. . . .

Mr. Chairman, is it in order to move that the paragraph be considered as read and open to amendment at any point?

The Chairman:(6) It is not in order to make such a motion at this point. It is in order to make a unanimous-consent request.

Motion To Dispense With Reading of Amendment

§ 11.5 Pursuant to Rule XXIII clause 5(b), as amended in the 97th Congress, it is in order in Committee of the Whole to move to dispense with the reading of an amendment which has been printed in the Congressional Record and submitted to the clerk or designated staff member of the reporting committee at least one day prior to consideration of the amend-

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3. 104 Cong. Rec. 9747, 85th Cong. 2d Sess. Under consideration was H.R. 7999, to provide for the admission of the State of Alaska into the Union.

4. Wilbur D. Mills (Ark.).

5. 118 Cong. Rec. 28870, 92d Cong. 2d Sess. Under consideration was H.R. 13915.

6. Morris K. Udall (Ariz.).

ment, and said motion is not subject to debate.

An example of the proposition described above occurred on May 6, 1981,(7) during consideration of House Concurrent Resolution 115.(8) The proceedings in the Committee of the Whole were as follows:

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Chairman, I offer an amendment in the nature of a substitute.

THE CHAIRMAN:(9) Has the gentleman's amendment been printed in the Record?

MR. LATTA: Yes, Mr. Chairman, it has been printed in the Record.

THE CHAIRMAN: The Clerk will report the amendment.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Latta: Strike out all after the resolving clause and insert in lieu thereof the following:
>
> TITLE I—REVISION OF THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 1981. . . .

MR. LATTA (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record. . . .

MR. [THEODORE S.] WEISS [of New York]: Mr. Chairman, reserving the right to object, my concern really is that we have full opportunity to debate the Gramm-Latta substitute resolution, and if in fact we have the assurance that there will be no attempt to cut off, to curtail debate, I will withdraw my reservation.

However, if in fact this is a preliminary move then to start the express train rolling, I have no choice except to object. . . .

MR. LATTA: Mr. Chairman, I move that the amendment be considered as read and printed in the Record.

The motion was agreed to.

§ 11.6 Pursuant to Rule XXIII clause 5(b), a motion to dispense with the reading of an amendment in Committee of the Whole is only in order if that amendment has been printed in the Record.

An example of the proposition described above occurred on July 28, 1983,(10) during consideration of H.R. 2760. The proceedings in the Committee of the Whole were as follows:

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Wright: Strike out all after the enacting clause and insert in lieu thereof the following:

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7. 127 CONG. REC. 8716, 8721, 97th Cong. 1st Sess.
8. Revising the congressional budget for fiscal year 1981 and setting forth the congressional budget for fiscal years 1982, 1983, and 1984.
9. James M. Frost (Tex.).
10. 129 CONG. REC. 21468, 21470, 98th Cong. 1st Sess.

> That the Intelligence Authorization Act for Fiscal Year 1983 is amended by adding at the end thereof the following new title. . . .

MR. [JAMES A.] COURTER [of New Jersey] (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

THE CHAIRMAN:(11) Is there objection to the request of the gentleman from New Jersey?

MR. [WYCHE] FOWLER [Jr., of Georgia]: I object, Mr. Chairman.

THE CHAIRMAN: Objection is heard.

MR. COURTER: Mr. Chairman, I move that the amendment be considered as read.

THE CHAIRMAN: The Chair will advise the gentleman that would not be a proper motion, since the amendment has not been printed in the Record.

Clerk Designates Page and Line Number

§ 11.7 Where a special order provided that a bill be considered for amendment by parts and that each part and the committee amendments thereto be considered as having been read, the Chair directed the Clerk to designate only the page and line number of the pending part or committee amendment; the text of the pending part or committee amendment was printed in full at that point in the Congressional Record.

On Aug. 2, 1977,(12) the Committee of the Whole having under consideration a bill(13) pursuant to a special order as described above, the proceedings were as follows:

THE CHAIRMAN:(14) When the Committee rose on Monday, August 1, 1977, all time for general debate had expired.

Pursuant to the rule, the bill is considered by parts and each part is considered as having been read for amendment. No amendment shall be in order except pro forma amendments and amendments made in order pursuant to House Resolution 727, which will not be subject to amendment, except amendments recommended by the ad hoc Committee on Energy and amendments made in order under House Resolution 727. . . .

The Clerk will designate the part of the bill now pending for consideration.

The Clerk read as follows:

> Page 9, line 1, section 2. (Section 2 reads as follows:)
>
> SEC. 2. FINDINGS AND STATEMENT OF PURPOSES. . . .

THE CHAIRMAN: The Clerk will designate the page and line number of the first ad hoc committee amendment.

The Clerk read as follows:

> Ad hoc committee amendment: Page 12, strike line 9, and insert tne matter printed on lines 11 through

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11. William H. Natcher (Ky.).
12. 123 CONG. REC. 26124, 95th Cong. 1st Sess.
13. H.R. 8444, National Energy Act.
14. Edward P. Boland (Mass.).

14. (The ad hoc committee amendment reads as follows:)

and

(9) to provide incentives to increase the amount of domestically produced energy in the United States for the benefit and security of present and future generations.

Portions of Bill Already Passed in Reading

§ 11.8 During the reading of a bill for amendment an agreement that the remainder of the bill be considered read and open for amendment at any point does not admit an amendment to a portion of the bill already passed in the reading.

On Oct. 8, 1969,(15) the following proceedings took place:

MR. [JOSEPH L.] EVINS of Tennessee (during the reading): Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point. . . .

The Clerk read as follows:

> Amendment offered by Mr. [John D.] Dingell [of Michigan]: . . .

MR. EVINS of Tennessee: Mr. Chairman, we have already passed that item in the bill. . . .

MR. DINGELL: Mr. Chairman, the gentleman from Tennessee just made a unanimous-consent request that the bill be considered as read, printed in the Record, and open for amendment at any point. I would consider that under the unanimous-consent request, regardless of whether we have read beyond the point, the amendment would be very much in order.

THE CHAIRMAN:(16) The Chair will advise the gentleman from Michigan that the unanimous-consent request of the gentleman from Tennessee was that the remainder of the bill be considered as having been read and open to amendment at any point, and the Clerk had read two paragraphs beyond the paragraph to which the amendment would apply. So the Chair upholds the point of order. . . .

§ 11.9 Where unanimous consent is granted that the remainder of a bill be considered as read and open for amendment at any point, amendments may then be offered to any portion of the bill not yet read for amendment at the time the permission is granted.

On Feb. 19, 1970,(17) the following proceedings took place:

The Clerk read as follows:

> Amendments offered by Mr. [James G.] O'Hara [of Michigan]: On page 60. . . .

MR. [JAMIE L.] WHITTEN [of Mississippi]: If I understood correctly, sections 408 and 409 have been considered and acted upon, after which action was taken on section 410. It was after we

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15. 115 CONG. REC. 29219, 29220, 91st Cong. 1st Sess. Under consideration was H.R. 14159.

16. Wayne N. Aspinall (Colo.).

17. 116 CONG. REC. 4028, 4029, 91st Cong. 2d Sess. Under consideration was H.R. 15931.

had passed sections 408 and 409 that unanimous consent was asked the bill be opened thereafter. I raise the point that the amendments come too late. We finished action on these sections, and had acted on section 410.

THE CHAIRMAN:(18) The Chair will state that the opening of the bill occurred on page 36, and all language thereafter is open to amendment.

Provisions Previously Amended

§ 11.10 Where a title of a bill was open for amendment at any point and an amendment was offered altering several provisions within that title including a provision previously altered by amendment, a point of order against the amendment was sustained and by unanimous consent the amendment was altered to delete reference to that portion already amended.

On Oct. 9, 1975,(19) during consideration of H.R. 200(20) in the Committee of the Whole, the proceedings described above were as follows:

The Clerk read as follows:

> Amendment offered by Mr. Waggonner: Page 29, strike out line 5 and all that follows thereafter down through line 2 on page 32 and insert the following: . . .
>
> (a) COMMENCEMENT OF NEGOTIATIONS.—
>
> The Secretary of State, upon the request of and in cooperation with the Secretary, shall initiate and conduct negotiations with any foreign nation in whose fishery conservation zones, or its equivalent, vessels of the United States are engaged, or wish to be engaged, in fishing, or with respect to anadromous species or Continental Shelf fishery resources as to which such nation asserts management authority and for which vessels of the United States fish, or wish to fish. . . .

THE CHAIRMAN:(21) The question is on the amendment offered by the gentleman from Louisiana (Mr. Waggonner).

The amendment was agreed to.

MRS. [MILLICENT H.] FENWICK [of New Jersey]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mrs. Fenwick: . . .
>
> Page 30, line 6, strike out "the" and all that follows thereafter up to and including line 8, and substitute in lieu thereof the following: "any such ships of those countries deemed to be in noncompliance within the meaning of paragraphs (1)(A) and (1)(B) of this subsection from continuing their fishing activities"; . . .
>
> Page 33, line 1, strike Sec. 206.

MR. [ROBERT L.] LEGGETT [of California]: Mr. Chairman, I have a point of order. We have already amended page 30, and this amendment would purport to amend page 30. . . .

It comes too late.

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[18] Chet Holifield (Calif.).

[19] 121 CONG. REC. 32588–90, 94th Cong. 1st Sess.

[20] Marine Fisheries Conservation Act of 1975.

[21] Neal Smith (Iowa).

MRS. FENWICK: No, no; it is still germane—[including the part at] page 33, line 1, striking section 206.

THE CHAIRMAN: The Chair would advise the gentlewoman from New Jersey that the part of the amendment that appears on page 30 would not be in order at this time. The balance of the amendment would be in order. Without objection, the amendment is modified to delete reference to that portion of title II already amended.

There was no objection.

Pending Portion of Bill Still Open to Amendment When Request Agreed To

§ 11.11 If unanimous consent is granted that the remainder of a bill be considered as read and open to amendment at any point, the portion of the bill pending when the request is agreed to remains open to amendment as well.

On June 4, 1975,(1) during consideration of a bill(2) in the Committee of the Whole, a unanimous-consent request was made and the following proceedings occurred:

MR. [DON] EDWARDS of California (during the reading): Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the Record, and open to amendment at any point. . . .

MR. [THOMAS N.] KINDNESS [of Ohio]: Mr. Chairman, if this unanimous consent request is agreed to, would that affect action on title II of the bill; would amendments to title II be still in order?

THE CHAIRMAN:(3) Title II is still open.

Is there objection to the request of the gentleman from California?

There was no objection.

Points of Order Against Bill

§ 11.12 When an appropriation bill is considered as read and open for amendment by unanimous consent, the Chair first entertains points of order against the bill prior to recognizing for amendments.

On June 16, 1964,(4) the following proceedings took place:

MR. [MICHAEL J.] KIRWAN [of Ohio] (interrupting reading of the bill): Mr. Chairman, I ask unanimous consent that the bill be considered as read, and open to amendment at any point.

THE CHAIRMAN:(5) Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE CHAIRMAN: Are there any points of order to be made to the bill? [After pause.] Are there any further amendments? [No response.]

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1. 121 CONG. REC. 16899, 94th Cong. 1st Sess.
2. H.R. 6219, Voting Rights Act extension.
3. Richard Bolling (Mo.).
4. 110 CONG. REC. 13974, 88th Cong. 2d Sess. Under consideration was H.R. 11579.
5. Hale Boggs (La.).

A motion that the Committee rise was agreed to.

Committee Amendments

§ 11.13 Where a bill is considered read and open to amendment, the Chair directs that the Clerk report the committee amendments in the order in which they appear in the bill, and the question is put on each amendment as it is read; and any amendment to one of these amendments must be offered while the committee amendment is pending. But a Member having an amendment to a section of the bill that is not amended by the committee amendments may still offer such an amendment after all the committee amendments have been considered.

On June 18, 1969,(6) the following proceedings took place:

Mr. [Harley O.] Staggers [of West Virginia] (during the reading): Mr. Chairman, I ask unanimous consent that the bill be considered as read and printed in the Record and open to amendment at any point. . . .

There was no objection.

The Chairman:(7) The Clerk will report the first committee amendment.

The Clerk read as follows: . . .

Mr. [Brock] Adams [of Washington]: Mr. Chairman, if the amendments are adopted that are the committee amendments to the bill, then would amendments by Members be in order to those sections that were amended?

The Chairman: They would be unless they amended the committee amendment.

Mr. Adams: Mr. Chairman, that is what I was inquiring about. In other words, an amendment to the committee amendment would not be in order if that committee amendment were adopted.

Therefore, we would be required to offer our amendments which would go to the same section and the same language prior to the adoption of the committee amendment by the Committee of the Whole?

The Chairman: The amendments should be offered as amendments to the committee amendments when submitted.

§ 11.14 Where the Committee of the Whole agrees that the remainder of a bill be considered as read and open to amendment at any point, the remaining committee amendments are first disposed of and then other amendments may be considered at any point.

On Aug. 18, 1949,(8) the following exchange took place:

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6. 115 Cong. Rec. 16275, 91st Cong. 1st Sess. Under consideration was H.R. 6543.

7. Jack B. Brooks (Tex.).

8. 95 Cong. Rec. 11797, 81st Cong. 1st Sess. Under consideration was H.R.

MR. [JOHN M.] VORYS [of Ohio]: Under the unanimous-consent request, in what order would the various committee amendments be considered? Would they not have precedence over other amendments? . . .

THE CHAIRMAN:(9) The Chair feels that the gentleman is correct.

§ 11.15 Where, by unanimous consent, a bill is considered as read and open to amendment at any point, all perfecting committee amendments printed in the bill are disposed of prior to consideration of amendments offered from the floor.

On Apr. 23, 1975,(10) during consideration of a bill(11) in the Committee of the Whole, the Chair responded to a parliamentary inquiry as indicated below:

THE CHAIRMAN:(12) The Clerk will report the first committee amendment. . . .

The Clerk will report the second committee amendment.

The Clerk read as follows:

> Committee amendment: Page 3, line 1, insert: The authority granted by this section shall not permit or extend to any action or conduct not essential to effectuate and protect the evacuation referred to in this section.

The committee amendment was agreed to.

THE CHAIRMAN: The Clerk will report the third committee amendment.

MR. [TOM] HARKIN [of Iowa]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HARKIN: Are we on section 4? I have an amendment to section 4.

THE CHAIRMAN: The Chair will advise the gentleman that he will be protected. The bill by unanimous consent has been deemed to be considered as read in toto and is open to amendment at any point.

The Clerk will report the third committee amendment.

§ 11.16 Where a bill is considered as having been read for amendment, it is open to amendment at any point and all committee perfecting amendments must be disposed of, regardless of their place in the bill, prior to offering of amendments to the bill from the floor.

On Feb. 9, 1976,(13) H.R. 5808(14) having been read and

5895, the Mutual Defense Assistance Act of 1949.

For further discussion of the proceedings, see § 11.18, infra.

9. Wilbur D. Mills (Ark.).
10. 121 CONG. REC. 11533, 94th Cong. 1st Sess.
11. H.R. 6096, Vietnam Humanitarian and Evacuation Assistance Act.
12. Otis G. Pike (N.Y.).
13. 122 CONG. REC. 2872, 2876, 94th Cong. 2d Sess.
14. Animal Welfare Act Amendments of 1976.

opened to amendment in the Committee of the Whole, the proceedings, described above, were as follows:

> THE CHAIRMAN:(15) . . . Under the rule, the bill is considered as having been read and open to amendment at any point under the 5-minute rule. . . .
>
> The Clerk will report the next committee amendment.
>
> The Clerk read as follows:
>
> Committee amendment: Page 19, line 24, insert "knowingly" immediately before "sell".
>
> The committee amendment was agreed to.
>
> MR. [CHARLES E.] WIGGINS [of California]: Mr. Chairman, I now offer an amendment.
>
> THE CHAIRMAN: The gentleman from California (Mr. Wiggins) will be advised that his amendment would not be in order at this time under the rule. There are 2 additional committee amendments to be considered. . . .
>
> The Chair will advise the gentleman from California (Mr. Wiggins) further that his amendment will be in order after the consideration of the committee amendments. . . .
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I have a parliamentary inquiry.
>
> Mr. Chairman, I have an amendment I wish to offer that comes before that committee amendment on the same page. Would that amendment be in order, or is it not in order until after this time?
>
> THE CHAIRMAN: The Chair will advise the gentleman from Maryland (Mr. Bauman) that his amendment would not be in order at this time unless it is an amendment to this committee amendment.

—Amendments To Be Read Although Bill Open to Amendment at Any Point

§ 11.17 Where, under a special rule, a bill is considered as having been read for amendment, committee amendments to the bill must be read in full or their reading dispensed with by unanimous consent.

On Feb. 9, 1976,(16) during consideration of H.R. 5808,(17) in the Committee of the Whole, the Chair stated that, pursuant to the rule, the bill was open to amendment. The proceedings occurred as indicated below:

> THE CHAIRMAN:(18) . . . Under the rule, the bill is considered as having been read and open to amendment at any point under the 5-minute rule. . . .
>
> MR. [CHARLES E.] WIGGINS [of California]: Mr. Chairman, under the rule, is the first committee amendment considered to have been read?
>
> THE CHAIRMAN: There have been no requests for considering the amendment as having been read, the Chair will advise the gentleman from Califor-

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15. Richard H. Ichord (Mo.).

16. 122 CONG. REC. 2872, 2875, 94th Cong. 2d Sess.

17. Animal Welfare Act Amendments of 1976.

18. Richard H. Ichord (Mo.).

nia, but the Chair will entertain such a request. . . .

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Chairman, it is my understanding that the rule itself provides that the bill shall be considered as read and open to amendment at any point.

THE CHAIRMAN: Yes, that is the bill, the Chair will advise the gentleman from Washington, not the amendment.

MR. FOLEY (during the reading): Mr. Chairman, I ask unanimous consent that the first committee amendment may be considered as read and printed in the Record.

THE CHAIRMAN: Is there objection to the request of the gentleman from Washington?

There was no objection.

Order of Amendments

§ 11.18 Where the Committee of the Whole had agreed that the remainder of a bill be considered as read and open to amendment at any point, a subsequent unanimous-consent request authorized the Clerk to call the remaining sections so that amendments could be offered in order.

On Aug. 18, 1949,(19) the following proceedings took place:

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Chairman, I ask unanimous consent that after the committee amendments have been disposed of the Clerk call the section numbers of the bill for amendment, so that we may have them in order. . . .

There was no objection.

Priority in Recognition

§ 11.19 Where a pending title of a bill is open to amendment and a unanimous-consent request is made that the next two succeeding titles also be considered as open to amendment, all three titles would be open to amendment, with priority in recognition being given to members of the Committee reporting the bill.

On Jan. 29, 1980,(20) during consideration of H.R. 4788(1) in the Committee of the Whole, the proceedings described above occurred as follows:

MR. [RAY] ROBERTS [of Texas]: Mr. Chairman, I ask unanimous consent that titles III and IV be considered as read and open for amendment at any point. . . .

MR. [ALLEN E.] ERTEL [of Pennsylvania]: Mr. Chairman, am I under the understanding at this point that titles

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19. 95 CONG. REC. 11797, 81st Cong. 1st Sess. Under consideration was H.R. 5895, the Mutual Defense Assistance Act of 1949.

20. 126 CONG. REC. 973, 96th Cong. 2d Sess.

1. The Water Resources Development Act.

II, III, and IV are now open to amendment?

THE CHAIRMAN:(2) That is correct, if no objection is heard.

MR. ERTEL: I have no objection.

MR. [DON H.] CLAUSEN [of California]: Mr. Chairman, reserving the right to object, I want to make sure we are going to be proceeding in an orderly manner. I am assuming we will proceed through title II for the consideration of the amendment and then follow on with the consideration of titles III and IV.

THE CHAIRMAN: The Chair will advise the gentleman that if the unanimous-consent request is adopted without objection, titles II, III, and IV will be open for amendment at any point. Committee members will, of course, have priority in recognition.

Inserting New Section

§ 11.20 Where the first section of a bill has, by unanimous consent, been considered as read and open to amendment, an amendment inserting a new section at the end of that section of the bill is in order.

On June 26, 1972,(3) the following proceedings took place:

> Amendment offered by Mr. [Mario] Biaggi [of New York]: Page 7, insert after line 18 the following:
>
> Sec. 102. The Secretary of Transportation shall (1) conduct a study....

MR. [EARLE] CABELL [of Texas]: Was this amendment to section 1, which has been read? Does it apply to that?

THE CHAIRMAN:(4) It is an amendment to the first section of the bill.

MR. CABELL: I believe the gentleman from Iowa himself asked unanimous consent that it be open to amendment to the first section.

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, yes, but page 7 goes beyond the first section of the bill. . . .

THE CHAIRMAN: The Chair will state that the unanimous-consent request that was made by the gentleman from Iowa and that was agreed to was to dispense with further reading of the first section of the bill, which ends on page 7, line 18, and the amendment offered by the gentleman from New York is to the first section of the bill and is therefore in order.

Effect of Adding New Section at End of Bill

§ 11.21 Where by unanimous consent in Committee of the Whole a bill is considered as read and open to amendment at any point, adoption of an amendment adding a new section at the end of the bill does not preclude subsequent amendments to previous sections of the bill.

The proposition stated above was the basis for the following proceedings which occurred on Apr. 17, 1986,(5) during consider-

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2. Matthew F. McHugh (N.Y.).
3. 118 CONG. REC. 22404, 92d Cong. 2d Sess. Under consideration was H.R. 15507.
4. John Brademas (Ind.).
5. 132 CONG. REC. 7858, 7859, 7861, 99th Cong. 2d Sess.

ation of H.R. 281 in the Committee of the Whole:

The Chairman:(6) Pursuant to the rule, each section of the bill is considered as having been read under the 5-minute rule.

The Clerk will designate section 1.

Mr. [William L.] Clay [of Missouri]: Mr. Chairman, I ask unanimous consent that the bill be printed in the Record and open to amendment at any point.

The Chairman: Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of H.R. 281 is as follows:

H.R. 281

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be referred to as the "Construction Industry Labor Law Amendments of 1985". . . .

Mr. Clay: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Clay: At the end of the bill, add the following new section:
>
> Sec. 3. (a) Except as provided in subsection (b), the amendments made by section 2 shall take effect upon the date of the enactment of this Act. . . .

Mr. Clay (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record. . . .

Mr. [James M.] Jeffords [of Vermont]: Mr. Chairman, reserving the right to object, I do so for the purpose of inquiring of the Chair at this point, or perhaps the author, as to whether or not this is a new section 3, or whether this would preclude further amendments to section 2 of the bill if this amendment is adopted?

The Chairman: The Chair would point out to the gentleman from Vermont that the bill is now open for amendment at any point, as was requested by the gentleman from Missouri (Mr. Clay) a little while earlier.

Bill Considered as Read and Open for Amendment in House as in Committee of the Whole

§ 11.22 Under current practice, when a bill is considered in the House as in Committee of the Whole, general debate is dispensed with, and the bill is considered as having been read and is open to amendment at any point under the five-minute rule.

On Aug. 10, 1970,(7) the following proceedings took place:

Mr. [H. R.] Gross [of Iowa]: Mr. Speaker, a parliamentary inquiry.

The Speaker:(8) The gentleman will state the parliamentary inquiry.

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6. David E. Bonior (Mich.).

7. 116 Cong. Rec. 28050, 91st Cong. 2d Sess. Under consideration was H.R. 18619.

8. John W. McCormack (Mass.).

Mr. Gross: Mr. Speaker, are we not operating in the House as in the Committee of the Whole.

The Speaker: We are.

Mr. Gross: Mr. Speaker, has this bill been read for amendment?

The Speaker: When the bill is being considered in the House as in Committee of the Whole, it is considered as read and printed in the Record.

Amendments are in order to any part of the bill under the 5-minute rule.

Parliamentarian's Note: The earlier precedents (e.g. 8 Cannon's Precedents § 2433) requiring that a bill be read by sections for amendment under this procedure have been superceded by this current practice.

§ 11.23 Where a bill is by unanimous consent considered in the House as in the Committee of the Whole, the bill is considered as read and open to amendment at any point, despite the fact that the House has previously adopted a special order providing that the bill be read by title in the Committee of the Whole.

On Feb. 9, 1977,(9) the House having previously adopted a special order(10) providing that H.R. 692 be read by title in the Committee of the Whole, a unanimous-consent request was agreed to to consider the bill in the House as in the Committee of the Whole. The proceedings were as follows:

Mr. [Neal] Smith of Iowa: Mr. Speaker, I call up the bill H.R. 692 to amend the Small Business Act and the Small Business Investment Act of 1958 to increase loan authorization and surety bond guarantee authority; and to improve the disaster assistance, certificate of competency and small business set-aside programs, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Speaker:(11) Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. . . .

The Speaker: Does the gentleman from Iowa have further amendments?

Mr. Smith of Iowa: Mr. Speaker, I have an amendment to title III but the bill is to be read by titles.

The Speaker: The bill is open to amendment at any point so the amendment is in order.

Amendment in Nature of Substitute Made in Order by Special Rule

§ 11.24 An amendment in the nature of a substitute being

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(9) 123 Cong. Rec. 3977, 3981, 95th Cong. 1st Sess.

(10) H. Res. 270, 123 Cong. Rec. 3976, 3977, 95th Cong. 1st Sess.

(11) Thomas P. O'Neill, Jr. (Mass.).

read as an original bill pursuant to a special order is read by sections for amendment (unless otherwise specified in the rule), and the amendment may be considered as read and open for amendment at any point by unanimous consent only.

On Mar. 20, 1978,(12) the Committee of the Whole having under consideration H.R. 7700,(13) the above-stated proposition was illustrated as indicated below:

The Chairman:(14) Pursuant to the rule, it shall be in order to consider an amendment printed in the Congressional Record of March 14, 1978, by Representative Hanley of New York if offered as an amendment in the nature of a substitute for the bill, said substitute shall be read for amendment under the 5-minute rule as an original bill, and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI, are hereby waived. . . .

At this time the Clerk will read.

The Clerk read as follows:

> Section 1. This Act may be cited as the "Postal Service Act of 1977".

Mr. [James M.] Hanley [of New York]: Mr. Chairman, pursuant to the rule, I offer an amendment in the nature of a substitute for the bill.

The Chairman: The Clerk will report the amendment by sections.

The Clerk read as follows:

> Strike out all after the enacting clause and insert in lieu thereof the following:
>
> That this Act may be cited as the "Postal Service Act of 1978".

Mr. Hanley (during the reading): Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read, printed in the Record, and open to amendment at any point. . . .

[Objection was heard.]

The Chairman: Under the rule, the amendment in the nature of a substitute is to be read by sections.

Are there amendments to section 1?

§ 11.25 Where a bill was being considered under a special rule making in order the text of a designated amendment in the nature of a substitute but not providing for reading of said substitute by sections as an original bill, the Chair indicated that if the entire amendment were considered as read and printed in the Record it would automatically be open to amendment at any point.

On Feb. 3, 1976,(15) the Committee of the Whole having under consideration H.R. 9464,(16) the

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12. 124 Cong. Rec. 7558, 7559, 95th Cong. 2d Sess.
13. The Postal Service Act of 1977.
14. Edward W. Pattison (N.Y.).
15. 122 Cong. Rec. 2008, 94th Cong. 2d Sess.
16. Natural Gas Emergency Act of 1976.

Chair responded to a parliamentary inquiry regarding the situation as described above. The proceedings were as follows:

> Mr. [Robert] Krueger [of Texas] (during the reading): Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the Record.
>
> The Chairman:(17) Is there objection to the request of the gentleman from Texas? . . .
>
> Mr. [John D.] Dingell [of Michigan]: Continuing my reservation of objection, Mr. Chairman, first of all, I have a parliamentary inquiry. Was it the request that the amendment be considered as read and open to amendment at any point?
>
> The Chairman: That is the pending matter. The Chair was about to put the question when the gentleman rose and said he reserved the right to object further.
>
> Mr. Dingell: I just want to be sure that I understand the unanimous-consent request properly. . . .
>
> The Chairman: Let me say in clarification the unanimous-consent request that the gentleman made was that the amendment be considered as read and printed in the Record, and it automatically will be open for amendment at any point.

En Bloc Amendments Affecting Diverse Portions of Bill

§ 11.26 Motions to strike out and insert provisions on diverse pages and lines of a bill and to insert a new section constitute separate amendments which can be offered en bloc only by unanimous consent, even if the bill has been considered as read and open to amendment at any point.

On Sept. 16, 1981,(18) during consideration of H.R. 4241(19) in the Committee of the Whole, the proceedings described above occurred as follows:

> Mr. [Bo] Ginn [of Georgia]: Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point. . . .
>
> There was no objection. . . .
>
> Mr. [M. Caldwell] Butler [of Virginia]: Mr. Chairman, I offer amendments, and I ask unanimous consent that these amendments be considered en bloc.
>
> The Chairman:(20) Is there objection to the request of the gentleman from Virginia?
>
> There was no objection. . . .
>
> Amendments offered by Mr. Butler: Page 2, line 11, strike out "$1,029,519,000" and insert in lieu thereof "$1,009,276,400.
>
> Page 3, line 6, strike out "$1,404,883,000" and insert in lieu thereof "$1,354,096,100". . . .
>
> Mr. [Thomas F.] Hartnett [of South Carolina]: . . . My inquiry is: Is this amendment being offered as one

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17. Richard Bolling (Mo.).

18. 127 Cong. Rec. 20735-37, 97th Cong 1st Sess.

19. Military construction appropriations.

20. Philip R. Sharp (Ind.).

amendment, and if it is, would the point of order be in order that the amendment was not properly drawn and that I was being precluded from voting for—I would have to vote for or against all of them where, in fact, I may want to vote for one or the other?

THE CHAIRMAN: The Chair will respond to the gentleman's inquiry by stating that the gentleman from Virginia has already gotten unanimous consent to offer his amendments en bloc. However, if a point of order is sustained against those amendments or any portion thereof, under the precedent the remaining amendments will have to be reoffered, at which point the gentleman from Virginia will again have to ask permission to have them offered en bloc. . . .

MR. HARTNETT: Mr. Chairman, what you are telling me is, in order for the gentleman from Virginia to offer a series of amendments like that, the gentleman has to obtain unanimous consent prior to doing that or, in fact, he would have to offer each one of them individually?

THE CHAIRMAN: The gentleman is correct. The very first action the gentleman from Virginia engaged in was to ask for such unanimous consent.

Effect of Limitation on Debate on Titles

§ 11.27 Where the Committee of the Whole has, by unanimous consent, considered the remainder of a bill as read and open to amendment at any point, and has then separately limited debate on each remaining title and all amendments thereto to a number of hours of debate, equally divided and controlled, the Chair may, through the power of recognition, continue to require debate and amendments to proceed title by title.

During consideration of H.R. 2100[1] in the Committee of the Whole on Oct. 3, 1985,[2] the situation described above occurred as follows:

MR. [KIKA] DE LA GARZA [of Texas]: Mr. Chairman, in order to facilitate the debate for the rest of the day, I ask unanimous consent that the remainder of the bill after this title be printed in the Record, and open to amendment at any point. . . .

There was no objection. . . .

MR. DE LA GARZA: Mr. Chairman, further to facilitate and expedite the debate of today, I ask unanimous consent that all debate on title VIII on peanuts, and all amendments thereto on that title, be limited to 1 hour, the time to be divided equally between the proponents and the opponents. . . .

There was no objection.

MR. DE LA GARZA: Mr. Chairman, I ask unanimous consent that debate on title XV and all amendments thereto, which is the food stamps section, be limited to 1 hour, to be divided equally between the proponents and the opponents, and further, that the debate on the Petri amendment to title XXI be limited to 1 hour, the time to be equally divided between the proponents and the opponents. . . .

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[1] The Food Security Act of 1985.

[2] 131 CONG. REC. 25897, 25947, 25948, 99th Cong. 1st Sess.

There was no objection. . . .

Mr. de la Garza: Mr. Chairman, under the unanimous-consent agreement on the time and on opening the bill for amendment at any point, does the Chair intend to proceed title by title?

The Chairman: It is the intention of the Chair to proceed title by title for amendments.

§ 12. Amendments in Nature of Substitute for Several Paragraphs or Entire Bill

An amendment in the nature of a substitute, which is offered to the text of a bill, generally replaces the entire bill. The term is sometimes, less accurately, used to describe a motion to strike out and insert a substantial portion, such as an entire section or title, of a pending bill. It should be distinguished from a substitute amendment, which is merely a substitute for another amendment that has been offered.(3)

Frequently, as by special rule, an amendment in the nature of a substitute may be considered as an original text for purposes of amendment; in such cases, the amendment in the nature of a substitute is not considered an "amendment" for purposes of the limitation described above(4) with respect to the number of amendments that may be pending at one time.

An amendment in the nature of a substitute is basically, in form, a motion to strike out and insert. It may, for example, propose to strike all after the enacting clause of a bill and insert substitute provisions. Thus, an amendment in the nature of a substitute for a pending bill may be offered after the first section is read and is then open to amendment in its entirety.(5)

It has also been said that when a bill is being read for amendment by titles pursuant to a special rule providing for its consideration, an amendment in the

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3. For a general description of the nature and purposes of an amendment in the nature of a substitute, see § 1, supra.

4. See §§ 5, 6, supra.

Where a rule provides for consideration of a committee substitute as an original bill for amendment, such substitute is read by paragraphs for amendment, at the conclusion of which the question is on agreeing to the substitute or the substitute as amended for the bill; if the substitute is voted down, the original bill is then read for amendment. See § 7.44, supra.

5. See 81 Cong. Rec. 6185, 6186, 75th Cong. 1st Sess., June 22, 1937.

nature of a substitute for the whole bill may be offered after the first title of the original text has been read for amendment.(6) In fact, where a bill is being read for amendment by titles, an amendment in the nature of a substitute for the entire bill may be offered after the "short title" of the bill is read (which is normally a separate section of the bill preceding title I) or at the conclusion of the reading of the whole bill. Of course, where a committee amendment proposing a new title I is offered as a perfecting amendment to the bill immediately after the Clerk begins to read the bill for amendment, the offering of an amendment in the nature of a substitute for the whole bill must be deferred pending the vote on the perfecting amendment adding the new title I.(7)

There is early authority for the proposition that amendments in the nature of a substitute for an entire bill are in order at the beginning of the bill only if notice is given that, if the amendment is agreed to, subsequent motions to strike out the remaining sections or paragraphs of the bill will be offered as each section or paragraph is read. A review of more recent proceedings, however, indicates that the requirement is no longer rigidly applied; and, therefore, that when an amendment in the nature of a substitute is offered at the end of the reading of the first section of the bill, notice of motions to strike out subsequent sections need not be given.(8)

An amendment in the nature of a substitute is read in its entirety before amendments to it are in order.(9)

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6. 115 Cong. Rec. 10066, 91st Cong. 1st Sess., Apr. 23, 1969.

7. See 116 Cong. Rec. 27197, 91st Cong. 2d Sess., Aug. 4, 1970; and 116 Cong. Rec. 27476-79, 91st Cong. 2d Sess., Aug. 5, 1970.

8. See, for example, 119 Cong. Rec. 18336, 93d Cong. 1st Sess., June 6, 1973, proceedings relating to an amendment in the nature of a substitute offered by Mr. John N. Erlenborn (Ill.) to H.R. 7935 (Fair Labor Standards amendments of 1973).

See also 119 Cong. Rec. 18161, 93d Cong. 1st Sess., June 5, 1973, where, in response to a parliamentary inquiry the Chairman indicated that an amendment in the nature of a substitute for an entire bill could be offered following the reading of the first section of the bill for amendment.

9. See 96 Cong. Rec. 2218, 2219, 81st Cong. 2d Sess., Feb. 22, 1950 (proceedings relating to an amendment offered by Mr. Samuel K. McConnell, Jr., [Pa.] to the Fair Employment Practices Act).

When in Order

§ 12.1 Where a bill is being read by paragraphs, an amendment in the nature of a substitute for an entire bill may be offered after the first paragraph has been read or after the reading of the bill for amendment has concluded.

On June 29, 1939, during consideration of the Neutrality Act of 1939,(10) an amendment was offered, as follows:

> The Clerk read as follows:
>
> Amendment offered by Mr. [Robert G.] Allen of Pennsylvania: Page 2, line 1, strike out all of section 1 and insert in lieu thereof the following as a substitute for the joint resolution: . . .
>
> "REPEAL OF NEUTRALITY ACTS OF 1935, 1936, 1937
>
> "The act of August 31, 1935 (Public Res. No. 67, 74th Cong.), as amended by the act of February 29, 1936 (Public Res. No. 74, 74th Cong.), and the act of May 1, 1937 (Public Res. No. 27, 75th Cong.), and the act of January 8, 1937 (Public Res. No. 1, 75th Cong.), are hereby repealed."

In response to a point of order made by Mr. Hamilton Fish, Jr., of New York, that the amendment was improperly offered at that point in the proceedings, Mr. Allen stated:

> Mr. Chairman, it is my understanding that it is in parliamentary order to offer a substitute either after the first paragraph of the bill has been read or after the entire bill has been read. If my amendment is adopted I intend to offer amendments throughout the reading of the remainder of the bill striking out the various paragraphs as they are read.

The Chairman,(11) in overruling the point of order, stated:

> . . . [T]he Chair invites attention to section 2905 of volume VIII of Cannon's Precedents of the House which state:
>
>> A substitute for an entire bill may be offered only after the first paragraph has been read or after the reading of the bill for amendment has been concluded.(12)

§ 12.2 An amendment in the nature of a substitute is in order after the first section of the bill has been read for amendment.

On Mar. 20, 1978,(13) during consideration of H.R. 7700(14) in the Committee of the Whole, the Chair stated that pursuant to the rule under which the bill was being considered, an amendment in the nature of a substitute

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10. H.J. Res. 306.
See the proceedings at 84 Cong. Rec. 8288, 76th Cong. 1st Sess.

11. Jere Cooper (Tenn.).

12. The Allen amendment was rejected. See 84 Cong. Rec. 8311, 76th Cong. 1st Sess.

13. 124 Cong. Rec. 7558, 7559, 95th Cong. 2d Sess.

14. The Postal Service Act of 1977.

would be in order after the first section of the bill had been read:

THE CHAIRMAN:(15) Pursuant to the rule, it shall be in order to consider an amendment printed in the Congressional Record of March 14, 1978, by Representative Hanley of New York if offered as an amendment in the nature of a substitute for the bill, said substitute shall be read for amendment under the 5-minute rule as an original bill, and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI, are hereby waived.

At the appropriate time the Chair will recognize the gentleman from New York (Mr. Hanley) to offer his amendment.

At this time the Clerk will read.

The Clerk read as follows:

> Section 1. This Act may be cited as the Postal Service Act of 1977".

MR. [JAMES M.] HANLEY [of New York]: Mr. Chairman, pursuant to the rule, I offer an amendment in the nature of a substitute for the bill.

THE CHAIRMAN: The Clerk will report the amendment by sections.

The Clerk read as follows:

> Strike out all after the enacting clause and insert in lieu thereof the following:
>
> That this Act may be cited as the "Postal Service Act of 1978."

§ 12.3 An amendment in the nature of a substitute may be offered after the reading of the first section of a bill being read by section for amendment, or at any time when the bill is considered as having been read for amendment.

On Mar. 29, 1977,(16) during consideration of H.R. 5045(17) in the Committee of the Whole, the proceedings, described above, were as follows:

THE CHAIRMAN:(18) There being no further requests for time, the Clerk will read.

The Clerk read as follows:

> H.R. 5045
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Reorganization Act of 1977". . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, I offer an amendment in the nature of a substitute.

MR. [JACK] BROOKS [of Texas]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state the parliamentary inquiry.

MR. BROOKS: Mr. Chairman, would the Clerk read the two committee amendments and get the committee amendments adopted before we go into other amendments from the floor?

THE CHAIRMAN: That portion of the bill has not yet been read.

MR. BROOKS: Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any

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15. Edward W. Pattison (N.Y.).

16. 123 CONG. REC. 9353, 9355, 95th Cong. 1st Sess.

17. The Reorganization Act of 1977.

18. James M. Hanley (N.Y.).

point and that we take up the two committee amendments and then at any point in the bill other amendments would be eligible for presentation.

THE CHAIRMAN: Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE AMENDMENTS

THE CHAIRMAN: The Clerk will report the committee amendments.

The Clerk read as follows:

> Committee amendments: Page 13, line 3, strike out "903(d)" and insert in lieu thereof "903(c)". . . .

The committee amendments were agreed to.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WALKER

MR. WALKER: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Walker: Strike out all after the enacting clause and insert in lieu thereof, the following:
>
> That this Act may be cited as the "Reorganization Act Amendments of 1977".

§ 12.4 An amendment in the nature of a substitute for an entire bill is in order following the reading of the final section of the bill.

On July 19, 1973,(19) the following proceedings took place:

The Clerk read as follows:

> Sec. 7. This Act may be cited as the "Agriculture and Consumer Protection Act of 1973". . . .

MR. [WILLIAM L.] FOLEY [of Washington]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Foley: Strike out all after the enacting clause and substitute the following: . . .

MR. [CHARLES M.] TEAGUE of California: Mr. Chairman, is not the offering of this amendment premature at this time? As I understand, the gentleman from Washington has offered an entirely new bill. Perhaps I misunderstood him. As I understand, he offered a substitute for the present bill. . . .

THE CHAIRMAN:(20) The Chair would like to advise the gentleman from California that the Clerk has read the final section of the bill, section 7. The amendment offered by the gentleman from Washington is in order.

§ 12.5 In response to a parliamentary inquiry, the Chairman indicated that an amendment in the nature of a substitute for the entire bill (an appropriation measure) could be offered at

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19. 119 CONG. REC. 24922, 93d Cong. 1st Sess. Under consideration was H.R. 8860.
20. William H. Natcher (Ky.).

the conclusion of the reading of the bill for amendment.

On Apr. 14, 1970,(21) the following proceedings took place:

MR. [JAMES G.] O'HARA [of Michigan]: Mr. Chairman, I would like to inquire of the Chairman on behalf of the Members who had amendments which they sought to offer earlier, but were unable to do so, if it is not possible for a substitute for the entire bill to be offered at the completion of the reading of the bill so that they could combine their amendments in that substitute if they wished to do so?

THE CHAIRMAN:(1) The Chair will state that the Chair is inclined to believe that a substitute is always in order at the proper time unless there is a portion of the rule which prohibits the substitute. And the Chair would entertain a proper amendment if offered at the proper time.

§ 12.6 An amendment in the nature of a substitute may be offered for a bill (or for an amendment being considered as original text) after the reading thereof has been completed, if another amendment in the nature of a substitute has not been previously adopted.

In the proceedings described below, which occurred on May 18, 1978,(2) the Committee of the Whole had under consideration H.R. 39, the Alaska National Interest Conservation Lands Act of 1978. An amendment in the nature of a substitute (the Leggett amendment) was offered which, pursuant to House Resolution 1186, agreed to the previous day, was to be read for amendment under the five-minute rule as an original bill by title. To such amendment, an amendment in the nature of a substitute (the "Meeds amendment") was subsequently offered.

MR. [ROBERT L.] LEGGETT [of California]: Mr. Chairman, I offer an amendment in the nature of a substitute, the text of H.R. 12625.

THE CHAIRMAN:(3) The Clerk will read the amendment in the nature of a substitute by titles.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Leggett: Strike out all after the enacting clause and insert in lieu thereof the following. . . .

MR. [MORRIS K.] UDALL [of Arizona]: . . . The script we have put together here was that when section 1 of the Leggett amendment, the consensus substitute, was read, the gentleman from Washington (Mr. Meeds) would offer his substitute, but that I would offer a substitute for the Meeds amendment, and we would then have foreclosed these nongermane things that we have been talking about. But it would also be understood that both sides, the Meeds and the Udall substitutes, would be open. . . .

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(21) 116 CONG. REC. 11649, 91st Cong. 2d Sess. Under consideration was H.R. 16916.

(1) Chet Holifield (Calif.).

(2) 124 CONG. REC. 14391, 14394, 95th Cong. 2d Sess.

(3) Paul Simon (Ill.).

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I have a parliamentary inquiry. . . .

At that point have we gotten into amendments in the third degree, or would amendments to both the pending substitutes be in order?

THE CHAIRMAN: Perfecting amendments to the Meeds amendment if offered or amendments to a substitute thereto would be in order.

MR. BAUMAN: But no further amendments in the nature of a substitute would be in order at that point?

THE CHAIRMAN: That is correct. . . .

MR. UDALL: Mr. Chairman, would a unanimous-consent request be in order that under the proceedings under the 5-minute rule no additional substitute amendment for the entire bill would be in order, unless it were germane to H.R. 39 or to the Meeds substitute?

In that case, I would not have to offer the substitute, my substitute, and we can vote up or down on the Meeds amendment. . . .

THE CHAIRMAN: The Chair will respond to the point raised by the gentleman from Arizona (Mr. Udall) in his parliamentary inquiry. The Chair is advised that the Committee of the Whole cannot amend the rule by unanimous consent.

MR. [LLOYD] MEEDS [of Washington]: Mr. Chairman, perhaps I can solve the dilemma by promising that I will offer my substitute at the end of the reading. I can do that and I will put that in the form of a parliamentary inquiry.

At the end of all debate I can change one word and reoffer the amendment as a substitute, I believe. I will put that in the form of a parliamentary inquiry.

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, reserving the right to object, can the Chair advise us on the suggestion of the gentleman from Washington (Mr. Meeds)?

THE CHAIRMAN: That is possible if no other amendment in the nature of a substitute has been adopted in the meantime.

§ 12.7 Where under a special rule a bill is being read for amendment by titles and there is no separate section preceding title I, an amendment in the nature of a substitute for the entire bill may be offered after the reading of title I.

On June 3, 1975,(4) during consideration of a bill(5) in the Committee of the Whole, an amendment in the nature of a substitute for the bill was offered. The proceedings were as follows:

THE CHAIRMAN:(6) . . . Pursuant to the rule, the Clerk will now read the bill by title.

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4. 121 CONG. REC. 16754, 94th Cong. 1st Sess.
5. H.R. 6219, the Voting Rights Act extension.
6. Richard Bolling (Mo.).

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*
>
> TITLE I
>
> Sec. 101. Section 4(a) of the Voting Rights Act of 1985 is amended by striking out "ten" each time it appears and inserting in lieu thereof "twenty".
>
> Sec. 102. Section 201(a) of the Voting Rights Act of 1965 is amended by—
>
> (1) striking out "Prior to August 6, 1975, no" and inserting "No" in lieu thereof; and (2) striking out "as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act." and inserting in lieu thereof a period.

MR. [CHARLES E.] WIGGINS [of California]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Wiggins: In H.R. 6219 strike out all after the enacting clause and insert in lieu thereof the following: That this Act may be cited as "The Voting Rights Extension Act of 1975".

Parliamentarian's Note: In many instances, a short title section (1) precedes the first title of the bill, and an amendment in the nature of a substitute is in order following the reading of that section and prior to the reading of the first title.

—Where Special Rule Makes Amendment in Order

§ 12.8 Where a special order makes in order the consideration of a designated amendment in the nature of a substitute (in lieu of the committee amendments printed in the bill), said substitute may be offered after section one of the original bill is read.

On Sept. 20, 1978,(7) during consideration of H.R. 1,(8) in the Committee of the Whole, the situation described above occurred as follows:

THE CHAIRMAN:(9) Pursuant to the rule, it shall be in order to consider by titles as an original bill for the purpose of amendment the text of H.R. 13850, in lieu of the amendments now printed in the bill, if offered as an amendment in the nature of a substitute. No amendments to said substitute shall be in order except pro forma amendments for the purpose of debate and amendments printed in the Congressional Record at least 1 legislative day prior to their consideration. . . .

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, under the rule and the statement of the Chair, must the committee substitute which appears in the text of H.R. 1 be read first, or is the amendment in the nature of a substitute, H.R. 13850, in order at any point?

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7. 124 CONG. REC. 30434, 95th Cong. 2d Sess.
8. The Ethics in Government Act of 1977.
9. Edward P. Boland (Mass.).

THE CHAIRMAN: No. The Danielson amendment in the nature of a substitute will be read in lieu of the committee amendment now printed in the bill as a substitute amendment for the original bill. . . .

THE CHAIRMAN: The Clerk will read section 1 of the original bill.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Ethics in Government Act of 1977".

MR. [GEORGE E.] DANIELSON [of California]: Mr. Chairman, I have an amendment in the nature of a substitute which is made in order by House Resolution 1323, and I offer it as an amendment in the nature of a substitute for the committee amendment to be read by titles under the 5-minute rule as an original bill.

THE CHAIRMAN: The Clerk will read by titles the amendment in the nature of a substitute.

Parliamentarian's Note: In situations like that above, if the amendment in the nature of a substitute is offered and adopted, the original bill and committee amendments printed therein are not read.

§ 12.9 Pursuant to a special rule making in order the text of another bill as original text for amendment if offered as an amendment in the nature of a substitute, the amendment must be offered from the floor after the first section of the original bill is read.

On July 26, 1978,(10) during consideration of H.R. 3350 in the Committee of the Whole, the above-stated proposition was illustrated as indicated below:

THE CHAIRMAN:(11) . . . Pursuant to the rule, it shall be in order to consider by titles the text of H.R. 12988, if offered as an amendment in the nature of a substitute, as an original bill for the purpose of amendment. No amendment to title IV of said substitute which would change title IV, shall be in order except amendments recommended by the Committee on Ways and Means and an amendment printed in the Congressional Record of June 5, 1978, by Representative Stark of California, which amendments shall not be subject to amendment, but it shall be in order to debate said amendments and title IV by the offering of pro forma amendments.

The Clerk will now read section 1 of the original bill H.R. 3350, and the Chair will then recognize the gentleman form Louisiana (Mr. Breaux) to offer the amendment in the nature of a substitute.

The Clerk will read.

The Clerk read as follows:

SECTION 1. SHORT TITLE.

> This Act may be cited as the "Deep Seabed Hard Mineral Resources Act".

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10. 124 CONG. REC. 22884, 95th Cong. 2d Sess.
11. Paul Simon (Ill.).

MR. [JOHN B.] BREAUX [of Louisiana]: Mr. Chairman, I offer an amendment in the nature of a substitute, the text of which is contained in the bill, H.R. 12988, a copy of which is at the desk.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Breaux: Strike out all after the enacting clause and insert:
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*
>
> Section 1. Short title.
>
> Titles I, II, and III of this Act may be cited as the "Deep Seabed Hard Mineral Resources Act".

—*Second Section Read*

§ 12.10 In response to a parliamentary inquiry, the Chair stated that an amendment in the nature of a substitute could not be offered after the reading of the second section of the bill.

On Apr. 23, 1975,(12) the Committee of the Whole having under consideration the bill H.R. 6096,(13) a parliamentary inquiry was directed to the Chair as indicated below:

The Clerk read as follows:

> Sec. 2. There is authorized to be appropriated to the President for the fiscal year 1975 not to exceed $150,000,000 to be used, notwithstanding any other provision of law, on such terms and conditions as the President may deem appropriate for humanitarian assistance to and evacuation programs from South Vietnam.

MR. [RICHARD L.] OTTINGER [of New York]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:(14) The gentleman will state it.

MR. OTTINGER: Mr. Chairman, will the Chair advise whether, at this juncture in the proceedings, the Eckhardt substitute amendment would again be in order?

THE CHAIRMAN: Not at this point in the proceedings. The Clerk has read section 2 of the bill. It is now open for amendment, and an amendment is pending. The Eckhardt substitute is not in order at this point.

Parliamentarian's Note: An amendment in the nature of a substitute for an entire bill may be offered after the reading of the first section or after the last section has been read, but is not in order at an intermediate stage.

—*Where Sections Precede Title I*

§ 12.11 Where a bill (or an amendment in the nature of a substitute being considered as original text) is being read by titles for amendment, and several sections precede title I, an amendment in the nature of a substitute may be offered after the reading of the first section

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12. 121 CONG. REC. 11513, 11514, 94th Cong. 1st Sess.
13. Vietnam Humanitarian and Evacuation Assistance Act.
14. Otis G. Pike (N.Y.).

(which is considered a separate title).

In the proceedings described below, which occurred on May 18, 1978,(15) the Committee of the Whole had under consideration H.R. 39, the Alaska National Interest Conservation Lands Act of 1978. An amendment in the nature of a substitute (the Leggett amendment) was offered which, pursuant to House Resolution 1186, agreed to the previous day, was to be read for amendment under the five-minute rule as an original bill by title. To such amendment, an amendment in the nature of a substitute (the "Meeds amendment") was subsequently offered.

MR. [ROBERT L.] LEGGETT [of California]: Mr. Chairman, I offer an amendment in the nature of a substitute, the text of H.R. 12625.

THE CHAIRMAN:(16) The Clerk will read the amendment in the nature of a substitute by titles.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Leggett: Strike out all after the enacting clause and insert in lieu thereof the following:
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*
>
> SHORT TITLE AND TABLE OF CONTENTS
>
> Section 1. This Act, together with the following table of contents, may be cited as the "Alaska National Interest Lands Conservation Act".
>
> TABLE OF CONTENTS
>
> Sec. 1. Short title and table of contents. . . .

MR. [LLOYD] MEEDS [of Washington]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Meeds:
>
> Strike all after the enacting clause and insert:
>
> This Act, together with the following table of contents, shall be cited as the "Alaska National Interest Lands Conservation Act".
>
> Sec. 1. Short title and table of contents.

—Where Special Rule Precludes Further Amendment Upon Adoption of Committee Amendment

§ 12.12 Under the five-minute rule, an amendment in the nature of a substitute for a bill may ordinarily be offered either after the first section has been read or at the conclusion of reading of the bill; but where a bill is being considered under a special rule precluding further amendment to the bill upon adoption of a committee amendment at the end thereof, an amendment in the nature of a substitute can only be offered after the first section is read,

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15. 124 CONG. REC. 14391, 14394, 95th Cong. 2d Sess.
16. Paul Simon (Ill.).

unless the committee amendment is rejected.

On Sept. 23, 1980,(17) the Committee of the Whole having under consideration H.R. 7020,(18) the above-stated proposition was illustrated as indicated below:

> THE CHAIRMAN:(19) When the Committee of the Whole arose on Friday, September 19, 1980, all time for general debate had expired.
>
> Pursuant to the rule, the substitute committee amendment recommended by the Committee on Interstate and Foreign Commerce now printed in the reported bill shall be considered as an original bill for the purpose of amendment and each section shall be considered as having been read. No amendments to the amendment recommended by the Committee on Ways and Means printed in the bill shall be in order except pro forma amendments for the purpose of debate and following amendments which shall not be amendable except by pro forma amendments: First, the amendments recommended by the Committee on Ways and Means; second, the amendment printed on page H7926 in the Congressional Record of August 25, 1980, by Representative Ullman of Oregon; and third, the amendment to be printed in the Congressional Record of September 5, 1980, by and if offered by, Representative Florio of New Jersey. Upon the adoption of the amendment recommended by the Committee on Ways and Means to the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce, and no further amendment to the bill shall be in order. . . .
>
> Are there any amendments to section 1? . . .
>
> MR. [DAVID A.] STOCKMAN [of Michigan]: Mr. Chairman, under the terms of the rule, would a substitute amendment to the entire bill, H.R. 7020, be in order only now, at this point for this bill?
>
> THE CHAIRMAN: The Chair would like to advise the gentleman that the gentleman's statement is correct, assuming adoption of the Ways and Means Committee amendment at the conclusion of the reading of the bill for amendment. Under the rule, no further amendments would then be in order.
>
> MR. STOCKMAN: Mr. Chairman, I offer an amendment in the nature of a substitute.

Parliamentarian's Note: After the first section of original text is read for amendment under the five-minute rule, an amendment in the nature of a substitute may be offered, even if a special order governing consideration would prohibit consideration of such an amendment at the end of the bill, and even if adoption of such an amendment would prohibit the consideration of other perfecting amendments specifically made in order by the special order (unless

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17. 126 CONG. REC. 26757, 96th Cong. 2d Sess.
18. The Hazardous Waste Containment Act of 1980.
19. William H. Natcher (Ky.).

the special order specifically prohibits such an amendment from being offered at the beginning of the bill or substitute).

Perfecting Amendments to First Section Take Precedence

§ 12.13 An amendment in the nature of a substitute is ordinarily offered after the reading of the first section of a bill being read by sections, prior to committee amendments adding new sections; however, where a bill consists of one section and is therefore open to amendment at any point when read, committee amendments adding new sections are considered perfecting amendments and are disposed of prior to the offering of amendments in the nature of a substitute.

On Nov. 7, 1975,(20) the Committee of the Whole having under consideration H.R. 6346,(1) the Chair ruled as described above. The proceedings were as follows:

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (a) of section 503 of the Rural Development Act of 1972 (7 U.S.C. 2663(a)) is amended by striking the word "and", and changing the period at the end thereof to a comma, and adding the following: "not to exceed $5,000,000 for the period July 1, 1976, through September 30, 1976, and not to exceed $20,000,000 for each fiscal year thereafter.

MR. [CHARLES] ROSE [of North Carolina] (during the reading): Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

THE CHAIRMAN:(2) Is there objection to the request of the gentleman from North Carolina?

There was no objection.

MR. [KEITH G.] SEBELIUS [of Kansas]: Mr. Chairman, I have an amendment in the nature of a substitute at the desk.

THE CHAIRMAN: First we will have the Clerk report the committee amendments.

The Clerk will report the first committee amendment.

The Clerk read as follows:

> Committee amendment: Page 1, line 8, strike the word "each" and insert in lieu thereof the word "the", and in line 9, strike the word "thereafter" and insert in lieu thereof the words "ending September 30, 1977".

The committee amendment was agreed to.

THE CHAIRMAN: The Clerk will report the next committee amendment. . . .

MR. SEBELIUS: Mr. Chairman, I make a point of order that I have an amendment in the nature of a substitute at the desk, and that that takes precedence at this time over the committee amendments.

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(20) 121 CONG. REC. 35525, 35526, 94th Cong. 1st Sess.

(1) Rural Development Act amendments.

(2) Tom Bevill (Ala.).

The Chairman: The Chair rules that the bill, consisting of one section, has been read and that the committee amendments are perfecting amendments and, therefore, take precedence over any amendment in the nature of a substitute.

Parliamentarian's Note: With a bill consisting of several sections, an amendment in the nature of a substitute should be offered after the reading of the first section and following disposition of perfecting amendments to the first section; but if a committee amendment adding a new section two were permitted to be considered first in that context, its adoption would preclude offering an amendment in the nature of a substitute until the end of the bill (since the first section of the bill would no longer be subject to amendment and a new section two would be inserted).

Amendments Offered After Debate Concluded

§ 12.14 An amendment in the nature of a substitute for an entire bill may be offered after the reading of the bill for amendment has been concluded even though debate on all amendments to the bill has been concluded.

On Aug. 25, 1949,[3] the following proceedings took place:

The Chairman:[4] On yesterday, August 24, the Committee agreed that the bill be considered as read and that all debate on the bill and all amendments thereto close at 3 o'clock. Under that agreement, debate has been concluded.

Are there further amendments to the bill?

Mr. [Brent] Spence [of Kentucky]: Mr. Chairman, I offer a committee substitute for the bill. . . .

Mr. [Adam C.] Powell [of New York]: Can a substitute be offered which was not on the Clerk's desk prior to the close of debate yesterday?

The Chairman: Yes; it can. . . .

Mr. [Andrew J.] Biemiller [of Wisconsin]: In that event, amendments to the substitute would also be in order?

The Chairman: They would be. Of course, there will be no debate on them.

Substitute Deleting or Retaining Prior Amendments

§ 12.15 An amendment in the nature of a substitute for an entire bill may be offered after the reading of such bill for amendment has been concluded and is in order, if germane, regardless of whether it includes or excludes language stricken

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[3] 95 Cong. Rec. 12258, 12269, 81st Cong. 1st Sess. Under consideration was H.R. 6070, to amend the National Housing Act.

[4] Mike Mansfield (Mont.).

from the bill or inserted when read for amendment.

On June 30, 1939,(5) the following proceedings took place:

> Mr. [Hamilton] Fish [Jr., of New York]: I state, Mr. Chairman, that the gentleman from Texas [Mr. Johnson] has offered an entirely new bill after the conclusion of the consideration of the bill before the committee and that this practice undoes everything the committee has already done. . . . [The committee] has put in certain amendments after due consideration. Those amendments are taken out, as I understand the parliamentary situation, by the substitute or the entirely new bill offered now by the gentleman from Texas. . . .
>
> The Chairman:(6) . . . The gentleman from Texas offered a substitute to strike out all after the enacting clause of the pending resolution and insert a new provision.
>
> The gentleman from New York made a point of order against the substitute. . . . The Chair feels, of course, that he is bound by the precedents of the House of Representatives and the decisions heretofore rendered, and upon the ground included in the decision cited by the gentleman from Massachusetts, the Chair is definitely of the opinion that the amendment offered here, if germane to the pending resolution, is clearly in order.

Where Perfecting Amendments Have Been Adopted

§ 12.16 An amendment in the nature of a substitute is in order after an entire bill has been read and perfecting amendments have been adopted thereto, as long as such perfecting amendments have not changed the bill in its entirety.

On Sept. 29, 1977,(7) the Committee of the Whole having completed general debate on H.R. 7010,(8) an amendment in the nature of a substitute was offered which prompted a unanimous-consent request to withhold such amendment pending consideration of the committee amendments. The proceedings were as indicated below:

> The Chairman:(9) When the Committee rose on Wednesday, September 14, 1977, all time for general debate on the bill had expired.
>
> The Clerk will read.
>
> The Clerk read as follows:
>
> H.R. 7010
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, . . .*

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5. 84 Cong. Rec. 8502–05, 76th Cong. 1st Sess. Under consideration was H.J. Res. 306, the Neutrality Act of 1939.
6. Jere Cooper (Tenn.).
7. 123 Cong. Rec. 31542, 31543, 95th Cong. 1st Sess.
8. Victims of Crime Act of 1977.
9. Philip R. Sharp (Ind.).

MR. [THOMAS F.] RAILSBACK [of Illinois]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Railsback: Strike all after the enacting clause and insert in lieu therof the following:
>
> SHORT TITLE
>
> Section 1. This Act may be cited as the "Elderly Victims of Crime Act of 1977". . . .

MR. [JAMES R.] MANN [of South Carolina]: Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may withhold the amendment in the nature of a substitute while we consider the committee amendment.

THE CHAIRMAN: Is there objection to the request of the gentleman from South Carolina?

MR. [MICKEY] EDWARDS of Oklahoma: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

MR. RAILSBACK: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. RAILSBACK: Mr. Chairman, in offering the amendment in the nature of a substitute, do I lose my right to offer that substitute if the gentleman from South Carolina (Mr. Mann) has the opportunity to deal with the committee amendments first?

THE CHAIRMAN: No; it could be offered at the end of the bill once the entire bill has been read.

MR. RAILSBACK: But it could not be offered after the committee amendments are dealt with?

THE CHAIRMAN: The committee amendments would not change the whole bill, so an amendment in the nature of a substitute could be offered.

Parliamentarian's Note: The committee amendments on this bill began in section 2, and the amendment in the nature of a substitute was therefore initially in order prior to consideration of any committee amendments.

Where Amendment Offered To Insert New Title

§ 12.17 An amendment in the nature of a substitute for a bill being read by titles is in order after the last title has been read, notwithstanding disposition of an amendment inserting a new title at the end of the bill.

On Mar. 9, 1978,(10) during consideration of H.R. 50(11) in the Committee of the Whole, the Chair responded to a parliamentary inquiry concerning the proposition described above:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Bauman: On page 106 add the following new title:

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10. 124 CONG. REC. 7333-36, 95th Cong. 2d Sess.
11. Full Employment and Balanced Growth Act of 1978.

"TITLE V

"FIVE-YEAR AUTHORIZATION

"The provisions of this Act shall be effective for each of the fiscal years through September 30, 1983 unless extended beyond that date by Act of Congress."

The Chairman Pro Tempore: Before the Chair would entertain this amendment, the Chair would like to know if there are other amendments to title IV?

Mr. [Clarence D.] Long of Maryland: Mr. Chairman, I wish to offer an amendment.

The Chairman Pro Tempore: The Chair would like to advise the gentleman from Maryland (Mr. Bauman) if his amendment were accepted at this time it would cut off the additional amendments. Would the gentleman withhold? . . .

Mr. Bauman: . . . [B]efore making that judgment, the gentleman from Minnesota who has a substitute for the entire bill would still be in order; would he not?

The Chairman Pro Tempore: The gentleman is correct on that.

[Mr. Bauman, by unanimous consent, withdrew his amendment.]

Mr. Long of Maryland: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Long of Maryland: Insert at the end of the bill the following new section:
> Sec. 150. (a). . . .

So the amendment was agreed to.

Mr. Bauman: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Bauman: on Page 106 add the following new title:
>
> "TITLE V
>
> "FIVE-YEAR AUTHORIZATION
>
> "The provisions of this Act shall be effective for each of the fiscal years through September 30, 1983 unless extended beyond that date by Act of Congress.". . .

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. [Albert H.] Quie [of Minnesota]: Mr. Chairman, I have a parliamentary inquiry.

The Chairman Pro Tempore: The gentleman will state it.

Mr. Quie: Have we reached the point where I can now offer my substitute?

The Chairman Pro Tempore: The gentleman is correct. The amendment in the nature of a substitute is now in order.

Mr. Quie: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Quie.

§ 12.18 Adoption of an amendment adding a new title to a bill being read by titles precludes further amendment to the preceding title.

On Mar. 16, 1978,(12) the Committee of the Whole having under

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12. 124 Cong. Rec. 7333-36, 95th Cong. 2d Sess.

consideration H.R. 50,(13) the above-stated proposition was illustrated as indicated below:

> Mr. [Robert E.] Bauman [of Maryland]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Bauman: On page 106 add the following new title:
> >
> > "Title V. . . .
>
> The Chairman Pro Tempore: Before the Chair would entertain this amendment, the Chair would like to know if there are other amendments to title IV?
>
> Mr. [Clarence] Long of Maryland: Mr. Chairman, I wish to offer an amendment.
>
> The Chairman Pro Tempore: The Chair would like to advise the gentleman from Maryland (Mr. Bauman) if his amendment were accepted at this time it would cut off the additional amendments. Would the gentleman withhold? . . .
>
> Mr. Bauman: [B]efore making that judgment, the gentleman from Minnesota who has a substitute for the entire bill would still be in order; would he not?
>
> The Chairman Pro Tempore: The gentleman is correct on that. . . .
>
> Mr. Bauman: . . . I withdraw my amendment in deference to the gentleman from Maryland (Mr. Long).
>
> The Chairman Pro Tempore: Without objection the gentleman from Maryland (Mr. Bauman) withdraws his amendment.

Read in Full

§ 12.19 An amendment in the nature of a substitute for a bill offered from the floor must be read in its entirety or the reading dispensed with by unanimous consent and is then open to amendment at any point.

An example of the proposition described above occurred on Dec. 18, 1979,(14) during consideration of H.R. 5860, authorizing loan guarantees to the Chrysler Corporation. The proceedings in the Committee of the Whole were as follows:

> The Clerk will designate section 1.
>
> Section 1 reads as follows:
>
> > *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*
> >
> > SHORT TITLE
> >
> > Section 1. This Act may be cited as the "Chrysler Corporation Loan Guarantee Act of 1979".
>
> The Chairman:(15) Are there any amendments to section 1?
>
> AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MOORHEAD OF PENNSYLVANIA
>
> Mr. [William S.] Moorhead of Pennsylvania: Mr. Chairman, I offer an amendment in the nature of a substitute.

---

13. Full Employment and Balanced Growth Act of 1978.

14. 125 Cong. Rec. 36791, 36793, 36794, 96th Cong. 1st Sess.

15. Richard Bolling (Mo.).

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Moorhead of Pennsylvania: Page 14, strike out line 10 and all that follows through page 32 and insert in lieu thereof the following:
>
> SHORT TITLE
>
> Section 1. This Act may be cited as the "Chrysler Corporation Loan Guarantee Act of 1979". . . .

MR. [S. WILLIAM] GREEN [of New York]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. GREEN: Mr. Chairman, if I have an amendment to offer to section 3 of the Moorhead substitute, may I ask, at what point is it in order to offer it?

THE CHAIRMAN: The Chair will state that the gentleman's inquiry is not in order until the Moorhead amendment has been read.

The Clerk will read.

(The Clerk continued the reading of the amendment in the nature of a substitute.)

§ 12.20 An amendment offered in the nature of a substitute is read in full and is open to amendment only after it has been completely read.

On Feb. 22, 1950,(16) the following proceedings took place:

> Amendment offered by Mr. [Samuel K.] McConnell [Jr., of Pennsylvania]: Strike out all after the enacting clause and insert "That this act may be cited as the 'Fair Employment Practice Act.'". . .

[The reading of the amendment was interrupted by parliamentary inquiries:]

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

THE CHAIRMAN:(17) The gentleman will state it. . . .

MR. COLMER: Do I understand that the whole bill will be read through, that is, the amendment that the Clerk is now reading, before any amendments are offered? Or are amendments to be offered at the end of sections as the Clerk concludes them?

THE CHAIRMAN: This is an amendment offered by the gentleman from Pennsylvania to the bill. The amendment will be read in its entirety and then will be open for amendment.

Not Read by Sections for Amendment

§ 12.21 An amendment seeking to strike out all after the enacting clause and insert other language is not read by sections for amendment; amendments are in order to any part of the amendment.

On Feb. 4, 1946,(18) the following proceedings took place:

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16. 96 CONG. REC. 2218, 2219, 81st Cong. 2d Sess. Under consideration was H.R. 4453, the Fair Employment Practice Act.

See also 97 CONG. REC. 9333, 82d Cong. 1st Sess., Aug. 1, 1951.

17. Francis E. Walter (Pa.).
18. 92 CONG. REC. 836, 839, 842, 844, 79th Cong. 2d Sess. Under consideration

MR. [FRANCIS H.] CASE of South Dakota: Mr. Chairman, I move to strike out all after the enacting clause and insert as a substitute the text of the bill H.R. 5262. . . .

The Clerk read as follows:

> Mr. Case of South Dakota moves to strike out all after the enacting clause. . . .

MR. [SHERMAN] ADAMS [of New Hampshire]: Mr. Chairman, I offer a substitute amendment to the amendment offered by the gentleman from South Dakota [Mr. Case].

The Clerk read as follows:

> Amendment offered by Mr. Adams as a substitute for the Case amendment:
>
> "That the Congress hereby declares that the objectives of this act are to avoid and diminish strikes and other forms of industrial strife or unrest. . . .
>
> "Sec. 2. When used in this act—
>
> "(1) The term 'commerce' means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country. . . .

MR. ADAMS (interrupting the reading of the substitute). Mr. Chairman, I ask unanimous consent that the further reading of the substitute be dispensed with.

MR. [F. E.] HOOK [of Michigan]: I object, Mr. Chairman.

[The Clerk concluded the reading of the substitute.]

MR. [CLARE E.] HOFFMAN [of Michigan]: Are amendments to the substitute also in order at this time?

THE CHAIRMAN:(19) They are. Amendments to the Case amendment and to the Adams substitute are in order.

MR. HOFFMAN: Will the Case bill be read by section for amendment?

THE CHAIRMAN: The Case bill has already been read.

MR. HOFFMAN: Are amendments in order at any point in the Case bill?

THE CHAIRMAN: Amendments are in order to any part of the Case [amendment].

Notice of Intention To Strike

§ 12.22 When it is proposed to offer a single substitute for several paragraphs of a bill which is being considered by paragraphs, the substitute may be moved to the first paragraph with notice that if it be agreed to, motions will be made to strike out the remaining paragraphs.

On July 29, 1969,(20) by way of example, an amendment was offered in the following manner:

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was H.R. 4908, relating to investigation of labor disputes.

19. Emmet O'Neal (Ky.).

20. 115 CONG. REC. 21218, 21219, 91st Cong. 1st Sess. Under consideration was H.R. 13111.

Mr. [Charles S.] Joelson [of New Jersey]: Mr. Chairman, I offer an amendment to the paragraph just read which is a simple substitute to several paragraphs of the bill dealing with the Office of Education, and I hereby give notice that after the amendment is agreed to I will make a motion to strike out the paragraphs appearing as follows: the paragraph on page 26, lines 1 through 7.

§ 12.23 When it is proposed to offer a single amendment—a motion to strike out and insert new matter—for several paragraphs in a bill which is being considered by paragraphs the amendment may be offered to the first paragraph to be amended with notice that if it be agreed to, motions will be made to strike out the remaining paragraphs as they are read.

On June 26, 1973,[1] an amendment was offered in the following manner:

Mr. [Robert H.] Michel [of Illinois]: Mr. Chairman, I offer an amendment to the paragraph of the bill just read which is a single substitute for several paragraphs of the bill dealing with the Department of Health, Education, and Welfare and related agencies, and I hereby give notice that if the amendment is agreed to, I will make motions to strike out the remaining paragraphs as follows: The paragraph on page 8, lines 13 through 20; the paragraph on page 11, lines 9 through 11.

§ 12.24 Where an appropriation bill is being read by paragraphs, an amendment—in effect a motion to strike one paragraph of the bill and insert several consecutive paragraphs in the bill—may be offered to the first paragraph modified by the amendment only if notice is given that if the amendment is agreed to, motions will be subsequently made to strike out the following paragraphs of the bill which would be supplanted thereby.

On July 29, 1969,[2] the following proceedings took place:

Amendment offered by Mr. [Robert H.] Michel [of Illinois]: On page 25 strike out line 9 and all that follows on

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See also 118 Cong. Rec. 21106, 21118–22, 92d Cong. 2d Sess., June 15, 1972 [H.R. 15417]; 117 Cong. Rec. 10062, 92d Cong. 1st Sess., Apr. 7, 1971 [H.R. 7016].

[1] 119 Cong. Rec. 21368, 93d Cong. 1st Sess. See also 116 Cong. Rec. 25345, 25346, 91st Cong. 2d Sess., July 22, 1970 [H.R. 18515], where an amendment in the nature of a substitute for several paragraphs of an appropriation bill was offered, and the proponent of the amendment announced his intention to strike several subsequent paragraphs of the bill if his amendment were agreed to.

[2] 115 Cong. Rec. 21217, 21218, 91st Cong. 1st Sess. Under consideration was H.R. 13111.

page 25 and insert in lieu thereof the following: . . .

MR. [JAMES G.] O'HARA [of Michigan]: Mr. Chairman, under the rules of the House, when a bill is to be read by paragraph and a Member wishes to amend a paragraph that has been read and several succeeding paragraphs he is permitted to offer an amendment at the time the first of those paragraphs is read that he wants to amend and then at the same time give notice that if his amendment, which goes beyond the first paragraph and into several others, is adopted he will move to strike the succeeding paragraphs.

In the first place, the gentleman from Illinois gave no such notice. . . .

THE CHAIRMAN:(3). . . The Chair is presented with a most difficult ruling at this time. He has resorted to a precedent in "Hinds' Precedents," volume V, page 404, paragraph 5795, which reads as follows:

> When it is proposed to offer a single substitute for several paragraphs of a bill which is being considered by paragraphs, the substitute may be moved to the first paragraph with notice that if it be agreed to, motions will be made to strike out the remaining paragraphs.

The Chair notes that the gentleman from Illinois did not give such notice. The amendment goes beyond the paragraph which has been read and in effect modifies a paragraph which has not yet been read.

The Chairman, therefore, sustains the point of order.

Notice of Intention To Strike: Distinction Between Substitute and Amendment in Nature of Substitute

§ 12.25 Where there is pending an amendment striking out the pending and several succeeding paragraphs and inserting new matter, in a bill being read by paragraphs, a substitute therefor is in order and may be offered without giving notice of an intention to strike subsequent paragraphs; however, such notice is required when the original amendment to strike out and insert is offered, since the proponent thereof must describe the parameters of his amendment.

On July 29, 1969,(4) Chairman Chet Holifield, of California, in response to objection made to a substitute amendment,(5) stated that the notice described above was unnecessary in the circumstances.

It should be noted that the substitute proposed in this case encompassed less than the amendment in the nature of a substitute; hence no notice of intention to strike succeeding paragraphs was required. A substitute covering more paragraphs than the

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3. Chet Holifield (Calif.).

4. 115 CONG. REC. 21221, 91st Cong. 1st Sess. Under consideration was H.R. 13111.

5. The amendment was offered by Mr. Robert H. Michel (Ill.).

amendment for which offered would not be in order.

—Substitute Made Coextensive With Amendment in Nature of Substitute

§ 12.26 A substitute for an amendment in the nature of a substitute for several paragraphs of an appropriation bill was offered after being made coextensive with the amendment in the nature of a substitute (that is, it did not affect more paragraphs than those proposed to be changed by the original amendment), and notice was given by the proponent of the substitute of his intention to strike subsequent paragraphs even though such notice was not strictly required.

On Oct. 1, 1974,(6) during consideration in the Committee of the Whole of a bill,(7) the proceedings, as described above, occurred:

The Clerk read as follows:

> For carrying out, to the extent not otherwise provided, Part A of title I ($3,695,300,000) . . . and title VII of the Elementary and Secondary Education Act; sections 822 and 823 of Public Law 93-380; section 417(a)(2) of the General Education Provisions Act; title IV of the Civil Rights Act of 1964 and title III-A ($15,000,000) of the National Defense Education Act of 1958, $4,264,643,000. . . .

Mr. [David R.] Obey [of Wisconsin]: Mr. Chairman, I offer an amendment to the bill, and to the paragraph that was just read, and which is a simple substitute for several paragraphs dealing with the Office of Education. I hereby give notice that if the amendment is agreed to that I will make a motion to strike certain paragraphs, as follows: The paragraph which begins on page 6, line 12, and ending on page 7, line 18; and the paragraph beginning on page 7, line 19, and ending on page 7, line 24.

The Clerk read as follows:

> Amendment offered by Mr. Obey: Strike the paragraph beginning in line 19, page 5 and ending on line 11, page 6, and insert in lieu thereof.
>
> For carrying out, to the extent not otherwise provided, Part A of title I ($3,695,300,000) . . . and title VII of the Elementary and Secondary Education Act; sections 822 and 823 of Public Law 93-380; section 417(a)(2) of the General Education Provisions Act; title IV of the Civil Rights Act of 1964 and title III-A ($15,000,000) of the National Defense Education Act of 1958, $4,329,643,000. . . .

Mr. [Edward R.] Roybal [of California]: Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from Wisconsin (Mr. Obey), which is a single substitute for several paragraphs in the bill dealing with the Office of Education.

I hereby give notice that if the amendment is agreed to I will make a motion to strike the paragraphs appearing as follows: The paragraph beginning on page 6, line 12, extending to

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6. 120 Cong. Rec. 33352, 33355, 93d Cong. 2d Sess.
7. H.R. 16900, supplemental appropriations for fiscal 1975.

line 18, page 7; the paragraph beginning on line 19, page 7, through line 24.

The Clerk read as follows:

> Amendment offered by Mr. Roybal as a substitute for the amendment offered by Mr. Obey: On page 5, strike out the paragraph beginning on line 17 extending down through line 11 on page 6 and substitute in lieu thereof:
>
> "For carrying out, to the extent not otherwise provided, Part A of title I ($3,743,300,000) . . . and title VII of the Elementary and Secondary Education Act; sections 822 and 823 of Public Law 93-380; section 417(a)(2) of the General Education Provisions Act; title IV of the Civil Rights Act of 1964 and title III-A ($15,000,000) of the National Defense Education Act of 1958, $4,264,643,000.

Parliamentarian's Note: Mr. Roybal had originally drafted an amendment in the nature of a substitute for several more paragraphs than those sought to be changed by Mr. Obey. Mr. Obey having been recognized first to offer his amendment, Mr. Roybal modified his amendment to make it coextensive with the Obey amendment. He thus eliminated references to paragraphs not amended by Mr. Obey, and was then not required to give notice of his intention to strike subsequent paragraphs upon offering his amendment as a substitute.

Amendment in Nature of Substitute Being Considered as Original Bill

§ 12.27 An amendment in the nature of a substitute being read as an original bill pursuant to a special order is read by sections for amendment (unless otherwise specified in the rule), and the amendment may be considered as read and open for amendment at any point by unanimous consent only.

On Mar. 20, 1978,(8) the Committee of the Whole having under consideration H.R. 7700,(9) the proceedings described above were as follows:

> THE CHAIRMAN:(10) Pursuant to the rule, it shall be in order to consider an amendment printed in the Congressional Record of March 14, 1978, by Representative Hanley of New York if offered as an amendment in the nature of a substitute for the bill, said substitute shall be read for amendment under the 5-minute rule as an original bill, and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI, are hereby waived. . . .
>
> At this time the Clerk will read.
>
> The Clerk read as follows:
>
> Section 1. This Act may be cited as the "Postal Service Act of 1977".
>
> MR. [JAMES M.] HANLEY [of New York]: Mr. Chairman, pursuant to the

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8. 124 CONG. REC. 7558, 7559, 95th Cong. 2d Sess.
9. The Postal Service Act of 1977.
10. Edward W. Pattison (N.Y.).

rule, I offer an amendment in the nature of a substitute for the bill.

THE CHAIRMAN: The Clerk will report the amendment by sections.

The Clerk read as follows:

> Strike out all after the enacting clause and insert in lieu thereof the following:
>
> That this Act may be cited as the "Postal Service Act of 1978".

MR. HANLEY (during the reading): Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read, printed in the Record, and open to amendment at any point. . . .

[Objection was heard.]

THE CHAIRMAN: Under the rule, the amendment in the nature of a substitute is to be read by sections.

Are there amendments to section 1?

§ 12.28 Where a special rule provides that an amendment in the nature of a substitute be considered as an original bill for amendment under the five-minute rule if offered, the first section of the original bill is first read and the amendment, if then offered from the floor, must be read by sections for amendment in the absence of unanimous consent to consider it as read and open to amendment at any point.

On July 18, 1978,[11] the Committee of the Whole having under consideration H.R. 1609, pursuant to a special rule, the proceedings, described above, were as follows:

THE CHAIRMAN PRO TEMPORE [Mr. Raymond F. Lederer, of Pennsylvania]: Pursuant to the rule, it shall be in order to consider an amendment in the nature of a substitute printed in the Congressional Record of June 28 by Representative Udall of Arizona, if offered as an original bill for the purpose of amendment in lieu of the amendments now printed in the bill.

The Clerk will read section 1 of the original bill.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Coal Pipeline Act of 1977."

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I offer an amendment in the nature of a substitute printed in the Congressional Record of June 28.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Udall: Strike all after the enacting clause and insert in lieu thereof the following:
>
> That this Act may be cited as the "Coal Pipeline Act of 1978".

MR. UDALL (during the reading): Mr. Chairman, I ask unanimous consent to dispense with further reading of this amendment. It is printed in the Congressional Record.

THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentleman from Arizona?

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[11] 124 CONG. REC. 21486, 95th Cong. 2d Sess.

MR. [TENO] RONCALIO [of Wyoming]: Reserving the right to object, Mr. Chairman—and I do not intend to—may I ask the Chairman if he intends to rise at 5:30?

MR. UDALL: Mr. Chairman, if the gentleman will yield, as soon as the amendment is read, I intend to ask unanimous consent that it be open to amendment at any point, and then at that point I will move that the Committee rise.

MR. [JOE] SKUBITZ [of Kansas]: Reserving the right to object, Mr. Chairman, I will advise the gentleman from Arizona (Mr. Udall) that at this moment I have no objection to the substitute, but I do object to his second unanimous-consent request that we amend at any point. I insist that we take it up section by section.

MR. UDALL: Mr. Chairman, if the gentleman will yield, the gentleman is within his rights, and I renew my unanimous-consent request that the reading of the amendment be dispensed with at this time and considered as read. It is printed in the Congressional Record.

THE CHAIRMAN PRO TEMPORE: The amendment has to be read by sections. The Clerk has read section 1.

MR. UDALL: When section 1 has been read, I will move that the Committee rise, Mr. Chairman. I ask unanimous consent that section 1 of the amendment in the nature of a substitute be considered as read.

MR. RONCALIO: Mr. Chairman, I withdraw my reservation of objection.

MR. SKUBITZ: Mr. Chairman, I withdraw my reservation of objection.

THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentleman from Arizona?

There was no objection.

§ 12.29 Where a bill is being considered under a rule providing that a committee amendment in the nature of a substitute shall be considered as an original bill, a substitute for such committee amendment may be offered at the end of the first section or at the end of such committee amendment.

On Oct. 18, 1943,(12) the following proceedings took place:

MR. [FRANCIS H.] CASE [of South Dakota]: Under the rule adopted the other day, the original rule stated that the Senate bill would be read for amendment under the 5-minute rule. That rule was amended by an amendment adopted by the House, by which we provided for the consideration of the House committee substitute as an original bill. The question I ask is whether or not any proposal to offer a substitute for the committee bill would have to be offered during the time that this committee substitute is being read, or whether it should be offered at the conclusion of the reading of the entire substitute.

THE CHAIRMAN:(13) It could have been offered at the end of the first sec-

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12. 89 CONG. REC. 8450, 78th Cong. 1st Sess. Under consideration was S. 1279, relating to allowances and allotments for dependents of military personnel.
13. Alfred L. Bulwinkle (N.C.).

tion, of the substitute, or it may be offered at the end of the reading.

Procedure Upon Conclusion of Reading for Amendment

§ 12.30 Upon conclusion of the reading of a committee amendment in the nature of a substitute for amendment in Committee of the Whole, the pending question is on adoption of the substitute as amended, and if the substitute is rejected the original bill is read by sections for amendment. If the committee amendment is agreed to it is reported to the House and voted on.

On July 10, 1941,(14) the following proceedings took place:

> MR. [R. EWING] THOMASON [of Texas]: Am I correct in understanding that the substitute offered by the House committee to the Senate bill will now be read and will be subject to amendment by sections?
>
> THE CHAIRMAN:(15) That is correct. . . .
>
> MR. THOMASON: Assuming that after the committee substitute has been amended and is submitted to the Committee for a vote, the committee substitute is voted down, would the Senate bill then be read for amendment?
>
> THE CHAIRMAN: Then the Senate bill would be considered section by section, subject to amendment. . . .
>
> If [the substitute] is agreed to by the Committee, it will be reported back to the House as an amendment, and a vote in the House may be had on that amendment.

Similarly, on June 13, 1939,(16) the following exchange took place:

> MR. [JOHN E.] RANKIN [of Mississippi]: As I understand the situation now, the entire Senate bill has been stricken out and the House bill inserted as an amendment, so at the completion of the consideration under the 5-minute rule the vote will come on adopting the House bill as an amendment. . . .
>
> THE SPEAKER:(17) As the Chair understands the parliamentary situation, under the rule the House substitute amendment for the Senate bill will be considered by sections as an original bill, open to germane amendment. At the conclusion of the reading for amendment the question will be put on agreeing to the substitute, or the substitute as amended, for the Senate bill.
>
> MR. RANKIN: If that is voted down, as I understand it, the original Senate bill will be before the House.
>
> THE SPEAKER: If the committee substitute amendment is voted down, that will leave the Senate bill before the Committee of the Whole for consideration.

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14. 87 CONG. REC. 5962, 77th Cong. 1st Sess. Under consideration was S. 1524, relating to deferment of men by age groups under the Selective Training and Service Act of 1940.
15. Schuyler Otis Bland (Va.).
16. 84 CONG. REC. 7108, 7109, 76th Cong. 1st Sess.
17. William B. Bankhead (Ala.).

Effect of Rejection

§ 12.31 The Chair indicated, in response to a parliamentary inquiry, that if a pending amendment striking out several succeeding paragraphs and inserting new matter in an appropriation bill were defeated, the reading of the bill for amendment, by paragraph, would then continue and each paragraph would be subject to amendment when read.

On July 29, 1969,[18] an amendment was under consideration as described above. The following exchange took place:

> MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, if the amendment offered by the gentleman from New Jersey (Mr. Joelson), the entire package, is defeated, would it then be in order to amend different sections in this area, in this whole part?
>
> THE CHAIRMAN:[19] The Chair will state that if the amendment is defeated, why, of course, we would be right back where we started. . . .
>
> The paragraphs would be read, and they would be open to amendment.

Incorporating Adopted Perfecting Amendments in Substitute Text

§ 12.32 The last paragraph of a bill to draft nurses for service having been read for amendment, the Committee of the Whole adopted an amendment striking out all after the enacting clause and reinserting the language, as amended, as an amendment to the Selective Training and Service Act of 1940.

On Mar. 7, 1945,[20] the following proceedings took place:

> MR. [ANDREW J.] MAY [of Kentucky]: Mr. Chairman, I offer a substitute for the bill.
>
> May I make the explanation that this substitute is the bill as agreed upon in the Committee of the Whole. It contains every amendment that has been adopted, and it merely makes the bill, as completed by all of the several amendments, title II to the Selective Training and Service Act.
>
> The purpose of that, first of all, is to bring about an orderly procedure in legislative dealings by making it a part of the act relating to induction for military service. . . .
>
> THE CHAIRMAN:[1] The Clerk will report the substitute amendment offered by the gentleman from Kentucky.

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[18] 115 CONG. REC. 21218, 21219, 91st Cong. 1st Sess. Under consideration was H.R. 13111.

[19] Chet Holifield (Calif.).

[20] 91 CONG. REC. 1875, 79th Cong. 1st Sess. Under consideration was H.R. 2277, to insure adequate nursing care for members of the armed forces.

[1] Stephen Pace (Ga.).

§ 13. Time Yielded for Amendment or Other Purposes

Time Yielded for Debate

§ 13.1 An amendment may not be offered in time yielded for debate only.

On Feb. 2, 1955,(2) the House had under consideration a resolution, debate proceeding under the hour rule:

MR. [RAY J.] MADDEN [of Indiana]: Mr. Speaker, by direction of the Committee on Rules, I call up a resolution (H. Res. 63) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

> *Resolved,* That the Committee on Veterans' Affairs, acting as a whole or by subcommittee, is authorized and directed to conduct an inspection of the Veterans' Administration with a particular view to determining the efficiency of the administration and operation of Veterans' Administration installations. . . .

MR. MADDEN: Mr. Speaker, this resolution calls for the continuation of the investigation which the Congress authorized in the last session. . . .

Mr. Speaker, I now yield 30 minutes to the gentleman from Oregon [Mr. Mathew H. Ellsworth]. . . .

MR. ELLSWORTH: . . . Mr. Speaker, referring now to the pending resolution, House Resolution 63, it authorizes the Committee on Veterans' Affairs, acting as a whole or by subcommittee, to conduct full and complete investigations and studies of certain programs enumerated in the resolution itself. . . . Mr. Speaker, I yield the gentlewoman from Massachusetts 3 minutes.

MRS. [EDITH N.] ROGERS of Massachusetts: Mr. Speaker, if the resolution can be amended I should like to offer an amendment, on page 3, line 15, to strike out the sentence reading:

> The committee shall not undertake any investigation of any matter which is under investigation by another committee of the House.

THE SPEAKER PRO TEMPORE:(3) Does the gentleman from Indiana yield for that purpose?

MR. MADDEN: Mr. Speaker, I believe that not only the chairman of the Committee on Veterans' Affairs but the chairman of the Committee on Rules have stated the position in regard to this resolution, that it very fully covers the objection the gentlewoman from Massachusetts has set out, and I do not feel that I should yield for an amendment.

MRS. ROGERS of Massachusetts: Is there any way to place such an amendment in the resolution? Is there any prohibition against it? Under the rules of the House, if there is not, I will offer that amendment.

THE SPEAKER PRO TEMPORE: The Chair wishes to state that the gentlewoman does not have that right in the time yielded her for debate.

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2. 101 CONG. REC. 1076–79, 84th Cong. 1st Sess.

3. Robert C. Byrd (W. Va.).

Time Yielded for Inquiry

§ 13.2 An amendment may not be offered during time that has been yielded for a parliamentary inquiry.

It is well established that a Member recognized to propound a parliamentary inquiry may not, having secured the floor for such limited purpose, offer an amendment. The Chair(4) referred to that principle in the following exchange of Mar. 12, 1964:(5)

MR. [AUGUST E.] JOHANSEN [of Michigan]: Mr. Chairman, will the gentleman yield to me so that I may make a parliamentary inquiry? . . . [Time was yielded.] I direct this inquiry to the Chair as to whether it will be in order if I secure recognition to offer an amendment to the amendment in the nature of a substitute for the amendment offered by the gentleman from Ohio.

THE CHAIRMAN: Of course the gentleman, if he is recognized, may offer an amendment.

MR. [JAMES H.] MORRISON [of Louisiana]: A parliamentary inquiry, Mr. Chairman. The gentleman secured recognition first and asked the parliamentary inquiry.

THE CHAIRMAN: The gentleman has not been recognized, except for a parliamentary inquiry.

Manager of House Resolution Controls Purposes for Which He Yields

§ 13.3 In the House, during consideration of a resolution reported from the Committee on House Administration, an amendment thereto may be offered only by the Member having the floor unless he yields for that purpose; and it is within the discretion of the Member in charge whether, and to whom, he will yield.

On Jan. 29, 1959,(6) during proceedings relating to a resolution providing for a clerk for the NATO Parliamentary Conference, the following proceedings took place:

MR. [SAMUEL N.] FRIEDEL [of Maryland]: Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 36) and ask for its immediate consideration. . . .

MR. [H. R.] GROSS [of Iowa]: Am I privileged to offer an amendment to this resolution?

THE SPEAKER:(7) The gentleman from Maryland [Mr. Friedel] has the floor. If he does not yield for that purpose, the gentleman may not offer the amendment.

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4. Chet Holifield (Calif.).
5. 110 CONG. REC. 5140, 88th Cong. 2d Sess. Under consideration was H.R. 8986 (Committee on Post Office and Civil Service).
6. 105 CONG. REC. 1405, 86th Cong. 1st Sess.
7. Sam Rayburn (Tex.).

Subsequently, on the same day,(8) during consideration of a resolution(9) reported from the Committee on House Administration providing for operating funds for the Committee on Un-American Activities, the following exchange took place:

> MR. [OMAR T.] BURLESON [of Texas]: Mr. Speaker, the Chair indicated earlier that the manager of a bill in the House, in this instance the gentleman from Maryland [Mr. Friedel], may exercise his discretion as to the reason for yielding to another Member; is it correct that it is the gentleman's prerogative to inquire from the Member requesting that he yield, the purpose for which the Member makes the request? In other words, in the immediate case, the gentleman from Maryland has the right to predetermine the intent of those who wish him to yield. If to yield is for the purpose of offering an amendment to the pending bill, the gentleman may decline to yield for that purpose?
>
> THE SPEAKER: The gentleman has entire discretion as to whether he will yield or not and for any purpose.

Amendment to Amendment

§ 13.4 The Speaker held that a pending amendment to a resolution under debate in the House prior to the adoption of the rules was not subject to further amendment unless the proponent of the amendment yielded for that purpose or the previous question on the pending amendment was voted down.

On Jan. 3, 1969,(10) prior to the adoption of the rules, during consideration of a resolution(11) authorizing the Speaker to administer the oath of office to Adam Clayton Powell, of New York, an inquiry was made as to the propriety of offering an amendment as indicated:

> MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, is the Celler resolution as proposed, if amended by the MacGregor amendment, subject to substitution at this point?
>
> THE SPEAKER:(12) Does the gentleman inquire whether or not it is in order to offer an amendment to the MacGregor amendment?
>
> MR. GROSS: Whether it is in order to offer a substitute, Mr. Speaker, for the Celler resolution and the pending amendment.
>
> THE SPEAKER: The Chair will state that such an amendment is not in order at this time unless the [proponent of the amendment] yields for that purpose, or unless the previous question is defeated.

Authority of Manager To Yield for Amendment

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8. 105 CONG. REC. 1408, 86th Cong. 1st Sess.
9. H. Res. 137.
10. 115 CONG. REC. 28, 91st Cong. 1st Sess.
11. H. Res. 1.
12. John W. McCormack (Mass.).

§ 13.5 A member of the Committee on Rules calling up a privileged resolution reported by that committee does not normally yield for an amendment unless authorized to do so by the committee.

On May 1, 1968,[13] a member of the Committee on Rules called up a privileged resolution[14] and then entered into discussion with the Speaker Pro Tempore,[15] as to the possibility of yielding for an amendment to the resolution:

> MR. [CLAUDE D.] PEPPER [of Florida]: Would it be permissible for a Member on the floor, without convening the Rules Committee, to offer an amendment to the rule? I believe that perhaps I, as the Member handling the rule, has a right to yield to a Member, only to whom I wish to yield, to offer an amendment. Would it be permissible for me to yield to the gentleman from Kentucky to offer that amendment to the rule, so as to provide, on page 2, after the period, I would presume, in the second line, "and points of order shall be waived with respect to one amendment to be offered by the chairman of the Committee on Education and Labor"?
>
> THE SPEAKER PRO TEMPORE: May the Chair inquire of the gentleman whether he has instructions from the Committee on Rules to offer such an amendment?
>
> MR. PEPPER: I have no specific instructions for yielding for the offering of that amendment, from the Committee on Rules, except it was within the intendment, I understood, of the Committee on Rules that this amendment would be admissible. I do not propose to act by the authority of the Committee on Rules if I should yield for such an amendment.
>
> THE SPEAKER PRO TEMPORE: The gentleman, of course, would be doing it on his own responsibility, then, and not subject to the order of the Committee on Rules.
>
> The Chair will add, the only other way an amendment could be offered to the rule would be under the rules of the House. . . .
>
> MR. PEPPER: Mr. Speaker, I have not offered any such amendment. I do not propose to yield for the purpose of offering such an amendment, since I do not have authority to do so from the Committee on Rules. I simply present the rule as it is written to the House for its consideration.

Amendment to Committee Amendment

§ 13.6 A committee amendment printed in a resolution being considered in the House is not subject to amendment unless the Member controlling the resolution yields for that purpose or the previous question is voted down on the amendment.

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13. 114 CONG. REC. 11304-06, 90th Cong. 2d Sess.
14. H. Res. 1150 (Committee on Rules) providing for consideration of H.R. 16729, extending the higher education student loan program.
15. Carl Albert (Okla.).

On Nov. 15, 1973,(16) a resolution(17) was under consideration to provide additional funds for investigations by the Committee on the Judiciary. The following proceedings took place:

> MR. [CHARLES E.] WIGGINS [of California]: . . . Mr. Speaker, was the committee amendment agreed to? . . .
>
> THE SPEAKER:(18) The committee amendment was reported. It was not agreed to. The Chair had started to put the question. . . .
>
> Will the gentleman yield for an amendment to the committee amendment?
>
> MR. [WAYNE L.] HAYS [of Ohio]: No, Mr. Speaker, I will not yield for an amendment to the committee amendment.
>
> THE SPEAKER: Does the gentleman move the previous question on the committee amendment?
>
> MR. HAYS: Mr. Speaker, I move the previous question on the committee amendment.

Recognition Under Five-Minute Rule

§ 13.7 A Member recognized under the five-minute rule in Committee of the Whole may not yield to another Member to offer an amendment; a Member wishing to offer an amendment under the five-minute rule must seek recognition from the Chair and may not be yielded the floor for that purpose by another Member.

This principle was demonstrated in the proceedings of Dec. 12, 1973.(19) Mr. Robert C. Eckhardt, of Texas, sought unsuccessfully to withdraw an amendment and to yield to another Member to offer a different amendment:

> MR. ECKHARDT: Mr. Chairman, I ask unanimous consent to withdraw this amendment at this time in order to permit the Rodino amendment to be considered.
>
> THE CHAIRMAN:(20) Is there objection to the request of the gentleman from Texas?
>
> MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Chairman, I object. . . .
>
> MR. ECKHARDT: Mr. Chairman, I ask unanimous consent to withdraw the amendment at this time.
>
> THE CHAIRMAN: Is there objection to the request of the gentleman from Texas?
>
> MR. [HAROLD V.] FROEHLICH [of Wisconsin]: Mr. Chairman, I object.
>
> THE CHAIRMAN: Objection is heard.

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16. 119 CONG. REC. 37141–44, 93d Cong. 1st Sess.
17. H. Res. 702 (Committee on House Administration).
18. Carl Albert (Okla.).
19. 119 CONG. REC. 41170, 41171, 93d Cong. 1st Sess. Under consideration was H.R. 11450, the Energy Emergency Act.

    For a discussion of the five-minute rule, see Rule XXIII clause 5, *House Rules and Manual* § 870 (101st Cong.).
20. Richard Bolling (Mo.).

The Chair recognizes the gentleman from Illinois (Mr. Derwinski).

Mr. Derwinski: Mr. Chairman, I merely want to make this observation: Here we are in the consideration of the first major amendment to this bill. We have an amendment to an amendment to that offered, and now we have had an attempt to withdraw that amendment because our constitutional lawyers on the Committee of the Judiciary are going to lift a new amendment out of the clear blue sky. . . .

The Chairman: The Chair recognizes the gentleman from Ohio (Mr. Seiberling).

Mr. Eckhardt: Mr. Chairman, will the gentleman yield?

Mr. [John F.] Seiberling [of Ohio]: I yield to the gentleman from Texas.

Mr. Eckhardt: Mr. Chairman, I would like to ask my colleagues to vote against this amendment, since I have not been permitted to withdraw it, because I do want the Rodino amendment to be before the body, and I shall offer it as soon as I have an opportunity so to do and yield to the gentleman from New Jersey the distinguished chairman of the Committee on the Judiciary.

Mr. Seiberling: Mr. Chairman, I wish to commend the gentleman from Texas (Mr. Eckhardt) not only for his magnanimous gesture but especially for his initiative in trying to clean up this simply terrible antitrust exemption in this bill. . . .

I want to say that the amendment to be offered by the gentleman from New Jersey has been approved by the Federal Trade Commission and by the Justice Department. The gentleman from New Jersey is not only the distinguished chairman of the Judiciary Committee, but he is also the chairman of the Subcommittee on Antitrust. I am a member of his subcommittee, and I think the Members can rest assured that the amendment addresses itself to the problem in a comprehensive way. . . .

The Chairman: The question is on the amendment offered by the gentleman from Texas (Mr. Eckhardt) to the amendment in the nature of a substitute offered by the gentleman from West Virginia (Mr. Staggers).

The amendment to the amendment in the nature of a substitute was rejected.

The Chairman: For what purpose does the gentleman from Texas (Mr. Eckhardt) rise?

Mr. Eckhardt: Mr. Chairman, I wish to yield to the gentleman from New Jersey (Mr. Rodino).

The Chairman: The Chair cannot recognize the gentleman for that purpose.

§ 13.8 The proponent of an amendment in Committee of the Whole is entitled to five minutes of debate in favor of the amendment before a perfecting amendment may be offered thereto, and he may not yield to another to offer an amendment.

An example of the proposition described above occurred on May 31, 1984,(1) during consideration of

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1. 130 Cong. Rec. 14648, 98th Cong. 2d Sess.

H.R. 5167, the Department of Defense authorization bill. The proceedings in the Committee of the Whole were as follows:

Mr. [William L.] Dickinson [of Alabama]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Dickinson: At the end of this bill insert the following new section. . . .

Mr. Dickinson (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The Chairman:(2) Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. [Melvin] Price [of Illinois]: Mr. Chairman, will the gentleman yield to me?

Mr. Dickinson: I am very pleased to yield to the chairman of the committee.

Mr. Price: Mr. Chairman, I would like to offer a perfecting amendment to the amendment offered by the gentleman from Alabama. The amendment is at the desk.

The Chairman: The Chair will make the observation that the gentleman has not yet discussed his amendment. At the conclusion of that discussion, it will then be in order for the gentleman to offer an amendment.

§ 14. Effect of Previous Question; Expiration of Time for Debate

Amendments Cut Off by Previous Question

§ 14.1 The demand for the previous question cuts off further amendments unless the previous question is rejected.

On June 12, 1961,(3) during consideration, in the House as in Committee of the Whole, of a bill(4) relating to admission of certain evidence in the District of Columbia courts, the following proceedings took place:

Mr. [John L.] McMillan [of South Carolina]: Mr. Speaker, I move the previous question. . . .

Mr. [William C.] Cramer [of Florida]: Mr. Speaker, I have previously announced I would offer an amendment to make it applicable nationwide in conformance with a bill reported by the Committee on the Judiciary. Could the Chair advise me as to when and if such an amendment is in order and under what circumstances?

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2. Dan Rostenkowski (Ill.).

3. 107 Cong. Rec. 10080, 87th Cong. 1st Sess.

For further application of the principle that a resolution before the House is subject to amendment if the motion for the previous question is voted down, see 95 Cong. Rec. 10, 81st Cong. 1st Sess., Jan. 3, 1949.

4. H.R. 7053 (Committee on the District of Columbia).

THE SPEAKER PRO TEMPORE:(5) The Chair will state that the amendment can be offered only if the previous question is voted down.

§ 14.2 An amendment to the body of a resolution reported by the Committee on Rules should be offered before the previous question is moved.

On Feb. 28, 1949,(6) the House having under consideration a resolution reported by the Committee on Rules which contained authority to spend money from the contingent fund of the House, a matter within the jurisdiction of the Committee on House Administration, struck out such authority by an amendment:

> MR. [JOHN E.] LYLE [Jr., of Texas]: Mr. Speaker, I call up House Resolution 44 and ask for its immediate consideration. . . .
>
> *Resolved,* That the Committee on Merchant Marine and Fisheries or any duly authorized subcommittee thereof is authorized to make a full and complete study. . . .
>
> MR. LYLE: At what time would an amendment be proper? Now, or after the previous question has been ordered?
>
> THE SPEAKER:(7) An amendment to the body of the resolution should be offered now.
>
> MR. LYLE: I offer an amendment, Mr. Speaker, which I send to the desk.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Lyle:
>
> On page 3, line 6, after the word "oaths" and the semicolon, insert the word "and."
>
> On page 3, line 7, after the word "testimony", strike out the semicolon and the words "and to make such expenditures as it deems advisable."
>
> Page 3, line 8, after the word "advisable", strike out the period and the remainder of the paragraph down to and including the word "administration" in line 14.
>
> THE SPEAKER: The question is on agreeing to the amendments.
>
> The amendments were agreed to.
>
> THE SPEAKER: The question is on agreeing to the resolution as amended.
>
> The resolution as amended was agreed to.
>
> MR. LYLE: Mr. Speaker, I offer an amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Lyle: Page 1, strike out the preamble of the resolution.
>
> The amendment was agreed to.

§ 14.3 Where the previous question is ordered in the House on a pending resolution and the amendment thereto, the vote immediately recurs on the adoption of the resolution after the disposition of the amendment, and no intervening amendment is in order.

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5. W. Homer Thornberry (Tex.).
6. 95 CONG. REC. 1617, 1619, 81st Cong. 1st Sess.
7. Sam Rayburn (Tex.).

On Jan. 3, 1969,(8) during consideration of a resolution(9) authorizing Speaker John W. McCormack, of Massachusetts, to administer the oath of office to Adam Clayton Powell, of New York, the following proceedings took place:

> **Mr. [Clark] MacGregor** [of Minnesota]: . . . Mr. Speaker, I now move the previous question on the amendment and the resolution.
>
> **The Speaker**: The gentleman from Minnesota moves the previous question on the amendment and the resolution. The question is on ordering the previous question.
>
> The previous question was ordered.
>
> **The Speaker**: The question is on the substitute amendment offered by the gentleman from Minnesota (Mr. MacGregor). . . .
>
> So the substitute amendment was rejected. . . .
>
> **The Speaker**: The question recurs on the adoption of the resolution offered by the gentleman from New York (Mr. Celler).
>
> **Mr. [H. R.] Gross** [of Iowa]: Mr. Speaker . . . I have a substitute at the Clerk's desk.
>
> **The Speaker**: The Chair will state that the previous question has been ordered not only on the amendment but also on the resolution. Therefore, a substitute is not in order at this time.
>
> The question is on the resolution offered by the gentleman from New York (Mr. Celler).

Effect of Previous Question on Amendments to Motion To Recommit

§ 14.4 A straight motion to recommit a bill is not amendable unless the previous question is voted down on that motion.

On Feb. 5, 1974,(10) the following proceedings took place:

> **The Speaker**:(11) The Clerk will report the motion to recommit.
>
> The Clerk read as follows:
>
> > Mr. Blackburn moves to recommit the bill H.R. 11221 to the Committee on Banking and Currency.
>
> **Mr. [Robert G.] Stephens** [Jr., of Georgia]: Mr. Speaker, a parliamentary inquiry.
>
> **The Speaker**: The gentleman will state it.
>
> **Mr. Stephens**: Mr. Speaker, is a straight motion to recommit amendable?
>
> **The Speaker**: Not when the previous question is ordered. If the previous question is ordered, it is not amendable.
>
> **Mr. Stephens**: In other words, in order to give me a chance, we will have to vote down the previous question. . . .
>
> **The Speaker**: The question is on ordering the previous question. . . .
>
> A recorded vote was ordered.

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8. 115 Cong. Rec. 27–29, 91st Cong. 1st Sess.
9. H. Res. 1.
10. 120 Cong. Rec. 2079–81, 93d Cong. 2d Sess. Under consideration was H.R. 11221, amending the Federal Deposit Insurance Act.
11. Carl Albert (Okla.).

The vote was taken by electronic device, and there were--ayes 11, noes 259, answered "present" 24, not voting 24. . . .

Mr. [Thomas L.] Ashley [of Ohio]: Mr. Speaker, I offer an amendment to the motion to recommit. . . .

The Speaker: . . . The Clerk will report the amendment to the motion to recommit.

Reconsideration of Vote Whereby Previous Question Was Ordered

§ 14.5 Where the previous question had been ordered on a resolution creating an investigating committee, the vote whereby the previous question was ordered was reconsidered and the motion for the previous question rejected, so that the Member in charge could yield to another for the purpose of offering an amendment to the resolution.

On Mar. 27, 1945,(12) during consideration of House Resolution 195, creating a select committee to investigate supplies and shortages of food, the previous question was moved on the resolution:

> The Speaker:(13) The unfinished business is the further consideration of House Resolution 195, on which there are 2 minutes of debate remaining.
>
> The Chair recognizes the gentleman from Georgia (Mr. Cox).
>
> Mr. [Edward E.] Cox: Mr. Speaker, I move the previous question on the resolution.
>
> The previous question was ordered.
>
> The Speaker: The question is on the resolution.
>
> The question was taken; and the Chair announced that the "ayes" appeared to have it.
>
> Mr. [John W.] Flannagan [Jr., of Virginia]: Mr. Speaker, I demand a division.
>
> Mr. Cox: Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the previous question was ordered.
>
> Mr. Flannagan: I object, Mr. Speaker.
>
> Mr. [Frank B.] Keefe [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.
>
> The Speaker: The gentleman will state it.
>
> Mr. Keefe: Mr. Speaker, this scenery is moving so fast here I just do not understand the procedure. As I understand, we had under consideration a resolution from the Committee on Rules and there were 2 minutes of debate remaining. I had a very distinct understanding yesterday with the gentleman from New Mexico [Mr. Anderson], and with the gentleman from Georgia [Mr. Cox], that before this resolution was voted on an amendment to the resolution would be offered, and that the gentleman from Georgia would yield for the purpose of offering that amendment.
>
> Mr. Cox: The gentleman is correct.

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12. See 91 Cong. Rec. 2861, 2862, 79th Cong. 1st Sess.

13. Sam Rayburn (Tex.).

Mr. Keefe: Mr. Speaker, I should hesitate very much to see this thing move so very rapidly before that agreement is consummated. . . .

Mr. Speaker, may I ask what the situation is which now confronts us?

The Speaker: The situation at present is that the previous question has been ordered on the resolution.

Mr. Keefe: Then, in view of that situation, if the gentleman from Georgia, in charge of the resolution, yields, is the resolution subject to amendment?

The Speaker: The gentleman does not have the right to yield since the previous question has been ordered.

Mr. Anderson of New Mexico: Mr. Speaker, a parliamentary inquiry.

The Speaker: The gentleman will state it.

Mr. Anderson of New Mexico: Mr. Speaker, if the previous question is voted down, will the gentleman from Georgia [Mr. Cox] then have the right to yield to me for the purpose of offering an amendment?

The Speaker: The Chair will state that the previous question has already been ordered. The motion for the previous question offered by the gentleman from Georgia [Mr. Cox] has already been agreed to.

Mr. Cox: Mr. Speaker, I move that the House reconsider the vote by which the previous question was ordered. I am compelled to make that motion because of the agreement that the gentleman from Wisconsin [Mr. Keefe] has stated was made between himself and the gentleman from New Mexico [Mr. Anderson]. . . .

The Speaker: That question has not been decided.

A motion to reconsider is in order and the Chair must recognize the gentleman from Georgia [Mr. Cox] who made the motion to reconsider the vote by which the previous question was ordered, which the Chair has done.

Mr. Flannagan: Mr. Speaker, is such a motion in order after the vote on the resolution has been ordered?

The Speaker: Certainly, at any time.

Mr. [Earl C.] Michener [of Michigan]: Mr. Speaker, inasmuch as a misunderstanding has evidently occurred, I ask unanimous consent that all proceedings beyond the motion for the previous question be vacated and that the question on ordering the previous question again be put by the Speaker.

Mr. Flannagan: Mr. Speaker, I object. . . .

The Speaker: The question is on the motion of the gentleman from Georgia [Mr. Cox] to reconsider the vote by which the previous question was ordered.

The motion was agreed to.

The Speaker: The question is on ordering the previous question.

The motion for the previous question was rejected.

Mr. Anderson of New Mexico: Mr. Speaker, will the gentleman from Georgia [Mr. Cox] yield?

Mr. Cox: Mr. Speaker, I yield to the gentleman from New Mexico [Mr. Anderson].

Mr. Michener: Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. Anderson of New Mexico: I yield.

Mr. Michener: Mr. Speaker, the acting chairman of the Committee on Rules having yielded for the offering of an amendment, as I understand the rule, the gentleman from New Mexico now has 1 hour, and the gentleman from Georgia has lost the floor.

The Speaker: The gentleman is correct.

Amendment Offered and Previous Question Moved on Amendment and Resolution

§ 14.6 Where a member of the Committee on Rules calling up a resolution reported by that committee offered an amendment after debate on the resolution had concluded, and then immediately moved the previous question on the amendment and the resolution, the Speaker ruled that the amendment was proper, but indicated that the amendment would be debatable only if the previous question were rejected.

On Mar. 11, 1941,(14) the following proceedings took place:

Mr. [Edward E.] Cox [of Georgia]: Mr. Speaker, I call up House Resolution 120, which I send to the desk and ask to have read. . . .

Mr. Speaker, I have stated that the language proposed by the gentleman from New York [Mr. Wadsworth] is an improvement to this bill, and I offer it as an amendment to the bill, and Mr. Speaker, I move the previous question on the amendment and the resolution.

Mr. [Andrew J.] May [of Kentucky]: Mr. Speaker, I make the point of order that the resolution is not subject to amendment until the previous question has been disposed of. . . .

The Speaker:(15) It is in order for the gentleman from Georgia [Mr. Cox] to offer the amendment. The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Cox: On page 2, line 20, after section 2, strike out section 3 and insert the following:
>
> "Sec. 3. The committee may withhold from publication such information obtained by it as in its judgment should be withheld in the public interest."

The Speaker: The gentleman from Georgia [Mr. Cox] moves the previous question on the amendment and the resolution.

Mr. May: Mr. Speaker, a parliamentary inquiry.

The Speaker: The gentleman will state it.

Mr. May: Mr. Speaker, I desire to inquire whether or not the amendment as offered is debatable before the previous question is voted upon.

The Speaker: The previous question has been moved. If the previous question is voted down, the amendment would be subject to debate.

§ 14.7 When an amendment is offered to a pending resolution and the previous question is immediately moved on the resolu-

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14. 87 Cong. Rec. 2182, 2189, 77th Cong. 1st Sess. Under consideration was H. Res. 120, relating to an investigation of national defense.

15. Sam Rayburn (Tex.).

tion and on the amendment, the 40 minutes of debate under clause 3 of Rule XXVII(16) does not apply if the main question has been debated.

See § 14.6, supra, wherein the Chair did not allow debate on an amendment on which the previous question had been moved.

Amendment to Motion To Refer Presidential Message

§ 14.8 **An amendment to a motion to refer a message of the President to a committee is in order only when the motion for the previous question is rejected or the Member making the original motion yields for that purpose.**

On June 3, 1937,(17) the following proceedings took place:

> MR. [WILLIAM M.] WHITTINGTON [of Mississippi]: Mr. Speaker, I move that the message of the President be referred to the Committee on Flood Control and ordered to be printed. . . .
>
> MR. [JOSEPH J.] MANSFIELD [of Texas]: Would it be in order for me as chairman of the Committee on Rivers and Harbors to move, as a substitute for the motion of the gentleman from Mississippi, that the message be referred to the Committee on Rivers and Harbors? . . .
>
> THE SPEAKER:(18) The gentleman from Texas propounds a parliamentary inquiry to the Chair as to whether the gentleman would be entitled to offer as a substitute for the motion made by the gentleman from Mississippi a motion to refer the President's message to the Committee on Rivers and Harbors.
>
> The Chair, anticipating that this question might arise, has looked rather fully into the precedents in reference thereto and finds that on April 4, 1933, when Mr. Rainey was Speaker of the House, this identical proposition was presented.
>
> At that time it will be recalled that a bill was pending with reference to the refinancing of farm-mortgage indebtedness. Two committees claimed jurisdiction of the subject matter of that bill, the Committee on Banking and Currency and the Committee on Agriculture.
>
> When the President's message was read the chairman of the Committee on Agriculture, the gentleman from Texas [Mr. Jones], moved that the President's message be referred to the Committee on Agriculture. Thereupon the specific inquiry now propounded by the gentleman from Texas [Mr. Mansfield] was made.
>
> The Chair reads the query and the answer of the Speaker:
>
>> MR. STEAGALL: Mr. Speaker, I desire at the proper time to submit a substitute motion that the message

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16. *House Rules and Manual* § 907 (101st Cong.). The rule provides for 40 minutes of debate when the previous question has been ordered "on any proposition on which there has been no debate."

17. 81 CONG. REC. 5297, 5298, 75th Cong. 1st Sess.

18. William B. Bankhead (Ala.).

be referred to the Committee on Banking and Currency.

Mr. Jones said:

> Mr. Speaker, I do not yield for that purpose.

The Speaker stated:

> The gentleman from Texas does not yield. It is necessary to vote down the previous question before that motion will be in order.

The gentleman from Mississippi [Mr. Whittington] is entitled to 1 hour, and the Chair understands he has perfected an arrangement with the gentleman from Texas [Mr. Mansfield] by which he will yield to the gentleman from Texas one-half of that time. At the conclusion of the debate of 1 hour the Chair assumes the gentleman from Mississippi will move the previous question on the motion referring the message to the Committee on Flood Control. If the previous question should be voted down, then the gentleman from Texas [Mr. Mansfield] would have the right and privilege of offering an amendment to the motion to refer the message.

Amendments Offered After Expiration of All Debate Time

§ 14.9 In the Committee of the Whole, where all time for debate on a section of a bill and amendments thereto has expired, amendments may still be offered to the section but are voted on without debate, except in certain cases where a Member has caused an amendment to be printed in the Record(19) pursuant to the House rules.

On Mar. 26, 1965,(20) before clause 6 of Rule XXIII was amended as noted above, the following proceedings took place during consideration of the Elementary and Secondary Education Act of 1965.(1)

> MR. [CHARLES E.] GOODELL [of New York]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows: . . .
>
> MR. [JAMES C.] CLEVELAND [of New Hampshire]: May I have an explanation of the amendment just read? Is there any way I can have it explained?
>
> THE CHAIRMAN:(2) All debate has been closed, by order of the Committee, on this section.

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19. See Rule XXIII clause 6, *House Rules and Manual* § 874 (101st Cong.), permitting 10 minutes debate on an amendment which has been printed in the *Congressional Record* even though debate has been closed by the Committee of the Whole. The same rule provides for amendments to be offered without debate even after the Committee of the Whole has voted to close debate on a section or paragraph, or amendments thereto, of a bill.
20. 111 CONG. REC. 6097, 89th Cong. 1st Sess.
1. H.R. 2362.
2. Richard Bolling (Mo.).

MR. CLEVELAND: No matter what the amendment is, all debate is closed off?

THE CHAIRMAN: The gentleman must be aware of the rules with respect to this.

On Nov. 15, 1967,(3) in another application of the principle, the Chairman(4) responded to an inquiry as to the effect of an order extending the time fixed for debate and allocating such extra time to specified Members. The proceedings were as follows:

MR. [CARL] ALBERT [of Oklahoma]: Mr. Chairman, I ask unanimous consent that the order limiting the time to 8:05 p.m. be vacated and that all time on this section be closed at 8:45 p.m.

THE CHAIRMAN: Is there objection to the request of the gentleman from Oklahoma?

There was no objection. . . .

MR. [JOHN M.] ASHBROOK [of Ohio]: Under the unanimous-consent request of the gentleman from Oklahoma, the previous order was vacated. Does that mean the allocation of time under that was also vacated?

THE CHAIRMAN: Yes. The Chair then allocated the additional 30 minutes among the Members on the list he had before him. . . .

MR. [ALBERT H.] QUIE [of Minnesota]: If a Member has an amendment at the desk but his name is not on the list, he will not be precluded from offering his amendment; is that correct?

THE CHAIRMAN: No. There is no question about that. If a Member's name is not on the list, he will not have any time, but his amendment will be voted on.

§ 14.10 The expiration of a limitation on debate under the five-minute rule in Committee of the Whole does not prohibit the offering of further amendments, but such amendments are not subject to debate (if not printed in the Congressional Record).

On June 14, 1979,(5) the Committee of the Whole having under consideration H.R. 4388,(6) the above-stated proposition was illustrated as indicated below:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I offer an amendment as a substitute for the amendment, as amended. . . .

MR. [TOM] BEVILL [of Alabama]: Mr. Chairman, on the amendment, as amended, I ask for a rollcall vote.

THE CHAIRMAN:(7) The Chair has not yet put the question on the amendment, as amended.

MR. BEVILL: I ask for a vote then.

MR. DINGELL: Mr. Chairman, I happen to have an amendment in the nature of a substitute.

THE CHAIRMAN: The Chair had recognized the gentleman from Michigan

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3. 113 CONG. REC. 32691–94, 90th Cong. 1st Sess. Under consideration was S. 2388 (Committee on Labor and Public Welfare).
4. John J. Rooney (N.Y.).
5. 125 CONG. REC. 14993, 14994, 96th Cong. 1st Sess.
6. The Energy and Water Development Appropriation Bill for fiscal year 1980.
7. Philip R. Sharp (Ind.).

and asked him for what purpose he sought recognition. The gentleman indicated that he had an amendment.

MR. [MIKE] MCCORMACK [of Washington]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. MCCORMACK: Mr. Chairman, when the gentleman from Alabama, the chairman of the subcommittee, requested an agreement to end debate, there was no objection on the amendment and amendments thereto. At that point the vote was put.

I suggest to the Chair that it is in order now to vote on the amendment.

MR. DINGELL: Mr. Chairman, I have an amendment I desire to offer as a substitute at this time.

THE CHAIRMAN: The Chair will indicate to the gentleman from Washington that we are operating under a time limit; however, that does not exclude the possibility of offering an amendment as a substitute, though no debate will be in order in the absence of a unanimous-consent request.

Therefore, the Clerk will read the amendment.

§ 14.11 While a perfecting amendment may be offered pending a motion to strike out a title, it is not debatable, except by unanimous consent, if offered after expiration of all debate time under a limitation unless printed in the Record.

On July 29, 1983,[8] during consideration of H.R. 2957[9] in the Committee of the Whole, debate had been terminated by motion on the bill and all amendments thereto. Only amendments protected by Rule XXIII clause 6 were still subject to debate under the five-minute rule. An amendment was offered, as follows:

MR. [WILLIAM N.] PATMAN [of Texas]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN:[10] Is the amendment printed in the Record?

MR. PATMAN: Yes, it is.

The Clerk read as follows:

> Amendment offered by Mr. Patman: Strike line 13 on page 18 and all that follows through line 8 on page 28. . . .

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I have a perfecting amendment to title III at the desk which I offer.

The Clerk read as follows:

> Perfecting amendment offered by Mr. Gonzalez: On line 18, page 19, strike out "6,310.8 million Special Drawing Right" and insert in lieu thereof "1,750 million Special Drawing Rights". . . .

MR. GONZALEZ: Mr. Chairman, this is a perfecting amendment to the Patman amendment which strikes title III.

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[8] 129 CONG. REC. 21678, 21679, 98th Cong. 1st Sess.

[9] International Monetary Fund Authorization.

[10] Donald J. Pease (Ohio).

THE CHAIRMAN: The Chair would inquire of the gentleman from Texas whether this perfecting amendment has been printed in the Record.

MR. GONZALEZ: No, Mr. Chairman, it has not been printed in the Record.

MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: I have a point of order, Mr. Chairman. I think that the amendment is not in order.

THE CHAIRMAN: The Chair would state that the amendment offered by the gentleman from Texas (Mr. Gonzalez) is a perfecting amendment to title III. As such, it takes precedence over a motion to strike. It is in order. . . .

MR. [ED] BETHUNE [of Arkansas]: Mr. Chairman, is it not the case that when a Member offers a perfecting amendment to an amendment such as is the case before us now, he should be recognized for 5 minutes to explain his amendment?

THE CHAIRMAN: The Chair will state that the rules do not provide for any debate after a limitation of time on any amendment which has not been previously printed in the Record.

MR. GONZALEZ: Mr. Chairman, I ask unanimous consent that I may be permitted to explain my amendment.

MR. [DOUG] BARNARD [Jr., of Georgia]: Mr. Chairman, I object.

Adoption of Motion Closing Debate

§ 14.12 Pursuant to House rules,(11) amendments not printed in the Record may be offered to a bill and voted on without debate, although all five-minute debate on the bill has been closed by motion.

On Aug. 3, 1972,(12) an inquiry arose regarding the effect of a motion to limit debate.

THE CHAIRMAN PRO TEMPORE:(13) As the Chair understands the motion, the gentleman from Texas moves that all debate on this bill cease in 10 minutes.

MR. [WRIGHT] PATMAN [of Texas]: That is correct.

MR. [SIDNEY R.] YATES [of Texas]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN PRO TEMPORE: The gentleman will state it.

MR. YATES: Does that mean that all Members will be precluded from offering amendments after the expiration of the 10 minutes?

THE CHAIRMAN PRO TEMPORE: No; the Members just have 10 minutes in which to complete the debate.

Rejection of Motion To Strike Enacting Clause

§ 14.13 Rejection by the Committee of the Whole or by the House of a preferential motion to recommend striking, or to strike, the enacting clause, permits the offering of proper

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11. Rule XXIII clause 6, *House Rules and Manual* § 874 (101st Cong.).

12. 118 CONG. REC. 26622, 92d Cong. 2d Sess. Under consideration was H.R. 15989 (Committee on Banking and Currency).

13. Sam M. Gibbons (Fla.).

amendments notwithstanding expiration of all debate time on the bill, but only amendments which have been printed in the Record may be debated for five minutes on each side.

On July 29, 1983,[14] the proposition described above was demonstrated during consideration of H.R. 2957,[15] in the Committee of the Whole. The proceedings were as follows:

MR. [TRENT] LOTT [of Mississippi]: Mr. Chairman, I offer a preferential motion.

THE CHAIRMAN:[16] The Clerk will report the preferential motion.

The Clerk read as follows:

> Mr. Lott moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out. . . .

MR. [ED] BETHUNE [of Arkansas]: Mr. Chairman, I have a parliamentary inquiry. . . .

Earlier today, Mr. Chairman, a request was made for unanimous consent to limit debate to 12 o'clock. That was defeated. Later it was put in the form of a motion and that carried, limiting the debate to 12 o'clock today. That, therefore, closed debate past the hour of 12 o'clock.

Now, a motion to rise is being made by the minority whip. Does that foreclose now the offering of further amendments should that motion to rise carry?

THE CHAIRMAN: If the preferential motion to strike the enacting clause carries, further amendments would not be in order. . . .

MR. [RONALD E.] PAUL [of Texas]: Mr. Chairman, if this motion were to fail, whose amendments will be protected? Only those who have amendments printed in the Record, or anybody who has an amendment?

THE CHAIRMAN: Under the rule, if this motion is defeated, any amendment printed in the Record could be offered and debated for 5 minutes on each side. Any other germane amendment could also be offered but no debate would be allowed.

Offering of Amendments Printed in Record Precluded

§ 14.14 Where debate has been closed on a pending amendment in the nature of a substitute and all amendments thereto, adoption of that amendment would cause the stage of amendment to be passed and amendments, even though printed in the Record, could not thereafter be offered to the bill.

On Apr. 23, 1975,[17] during consideration of a bill[18] in the Committee of the Whole, an amendment in the nature of a substitute was offered and the following proceedings occurred:

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[14] 129 CONG. REC. 21675, 21676, 98th Cong. 1st Sess.

[15] The International Monetary Fund Authorization.

[16] Donald J. Pease (Ohio).

[17] 121 CONG. REC. 11491, 11499, 94th Cong. 1st Sess.

[18] H.R. 6096, Vietnam Humanitarian and Evacuation Assistance Act.

Mr. [Robert W.] Edgar [of Pennsylvania]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Edgar: Strike out everything after the enacting clause and insert in lieu thereof the following:
>
> That this Act may be cited as the "Vietnam Humanitarian Assistance and Evacuation Act of 1975".
>
> Sec. 2. The President is directed to evacuate from South Vietnam within ten days of the enactment of this Act the following categories of persons:
>
> (1) United States citizens;
>
> (2) dependents of United States citizens and of permanent residents of the United States; and
>
> (3) Vietnamese nationals eligible for immigration to the United States by reason of their relationships to United States citizens. . . .

Mr. [Thomas E.] Morgan [of Pennsylvania]: Mr. Chairman, I move that all debate on this substitute amendment and all amendments thereto close at 4 p.m.

The Chairman:(19) The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to. . . .

Mr. [John M.] Ashbrook [of Ohio]: Mr. Chairman, inasmuch as the substitute offered by the gentleman from Pennsylvania would preclude many of us from offering amendments which had heretofore been dropped into the hopper and printed in today's Record in compliance with the rules, will we be granted the set-aside 5 minutes to present our amendments inasmuch as the substitute amendment offered by the gentleman from Pennsylvania (Mr. Edgar) would extinguish our right to offer an amendment at that point?

The Chairman: If the amendment in the nature of a substitute offered by the gentleman from Pennsylvania (Mr. Edgar) is agreed to, the stage of amendment would have been passed and no further amendments would be in order to the bill.

Effect of Special Order

§ 14.15 When the Committee of the Whole is operating under a special order limiting consideration of all amendments to a number of hours of consideration, and the Committee rises during that time immediately following the offering of an amendment, that amendment remains pending when the Committee resumes its sitting and subsequent amendments may be offered only after its disposition and during the time remaining for consideration of all amendments; no amendments may be offered thereafter, since the special order terminates consideration and overrides Rule XXIII clause 6, which would otherwise guarantee additional time for amendments printed in the Record.

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19. Otis G. Pike (N.Y.).

An example of the situation described above occurred on Apr. 9, 1986,(20) during consideration of H.R. 4332 (the Firearms Law Reform Act). The proceedings in the Committee of the Whole were as follows:

The Clerk read as follows:

> Amendment offered by Mr. Hughes to the amendment, as amended, offered by Mr. Volkmer as a substitute for the Judiciary Committee amendment in the nature of a substitute, as amended: Page 7, line 10, strike out "shall not apply" and all that follows through "firearms)" in line 2 on page 8, and insert in lieu thereof the following: "shall not apply to the sale or delivery of any rifle or shotgun to a resident of a State other than a State in which the licensee's place of business is located. . . .

Mr. [William J.] Hughes [of New Jersey]: Mr. Chairman, I yield the balance of my time, and move that the Committee do now rise.

The Chairman:(1) The gentleman yields back the balance of his time and moves that the Committee rise. . . .

Mr. [Charles] Roemer [of Louisiana]: Is it the position of the House, Mr. Chairman, that when we rise and meet tomorrow, the Hughes amendment pending now would begin the debate?

The Chairman: The gentleman from Louisiana is exactly correct.

Mr. [Harold L.] Volkmer [of Missouri]: Mr. Chairman, I have a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Volkmer: When we come in tomorrow and the Committee begins to act on the bill, we will have only the time left under the 5 hours for amendments, is that not correct?

The Chairman: The gentleman is correct.

Mr. Volkmer: Which right now is approximately 1 hour?

The Chairman: The gentleman is correct.

Mr. Volkmer: And then the rest of the amendments, are they cut off? Or do we go ahead for those that are in the Record and vote on them after 5 minutes each?

The Chairman: There will not be any amendments that would be in order after the conclusion of the 5-hour consideration.

Recognition for Amendments Before and After Expiration of Debate Time

§ 14.16 The Committee of the Whole having agreed to a limitation on debate under the five-minute rule on a section of a bill and all amendments thereto, distribution of the time under the limitation is within the discretion of the Chair, who may recognize under the limitation first those Members offering amendments which have not been printed in the Congressional Record, and Members speaking in opposition to such amendments, and then recog-

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(20) 132 Cong. Rec. 6896, 6897, 99th Cong. 2d Sess.

(1) Charles B. Rangel (N.Y.).

nize after the limitation has expired those Members with amendments printed in the Record, since such are debatable for 10 minutes notwithstanding the expiration of the limitation.

An example of the situation described above occurred on June 26, 1979,[2] during consideration of H.R. 3930[3] in the Committee of the Whole. The proceedings were as follows:

MR. [WILLIAM S.] MOORHEAD of Pennsylvania: Mr. Chairman, I move that all debate on section 3 and all amendments thereto cease at 6:40 p.m.

The question was taken; and on a division (demanded by Mr. Rousselot) there were—ayes 43, noes 33. . . .

THE CHAIRMAN:[4] . . . The Committee has just voted to end all debate on section 3 and all amendments thereto at 6:40. The Chair in a moment is going to ask those Members wishing to speak between now and then to stand. The Chair will advise Members that he will attempt, once that list is determined, to recognize first those Members on the list with amendments which are not protected by having been printed in the Record.

The Chair would ask those Members wishing to be recognized in the remaining 20 minutes to stand. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, did I understand the Chair correctly that Members who are protected by having their amendments printed in the Record will not be recognized until the time has run so that those Members will only have 5 minutes to present their amendments, but that other Members will be recognized first for the amendments which are not printed in the Record?

THE CHAIRMAN: Those Members who are recognized prior to the expiration of time have approximately 20 seconds to present their amendments. Those Members whose amendments are printed in the Record will have a guaranteed 5 minutes after time has expired. . . .

MR. BROWN of Ohio: In what way does that protect Members by having their amendments then printed in the Record? It would seem to me they are penalized by having their time limited to 5 minutes and the other time goes ahead and runs in terms of general debate.

THE CHAIRMAN: The Chair will advise the gentleman that Members do not need and are not required to seek their protection for debate on the amendment under the rules, but if they do not they will be recognized for at most 20 seconds instead of 5 minutes. . . .

The Chair will now recognize those Members who wish to offer amendments which have not been printed in the Record.

The Chair will advise Members he will recognize listed Members in opposition to the amendments also for 20 seconds.

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[2] 125 CONG. REC. 16677, 16678, 96th Cong. 1st Sess.

[3] Defense Production Act Amendments of 1979.

[4] Gerry E. Studds (Mass.).

MR. [RICHARD] KELLY [of Florida]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. KELLY: Mr. Chairman, is it not regular order that the Members of the Committee with amendments be given preference and recognition?

THE CHAIRMAN: The Chair would advise the gentleman once the limitation of time has been agreed to and time divided, that priority of recognition is within the complete discretion of the Chair.

Pro Forma Amendments

§ 14.17 When the time for debate on a bill is limited by unanimous consent prior to the conclusion of the reading thereof, and time for debate then expires, the remainder of the bill is read but pro forma amendments are not then in order.

On Sept. 12, 1968,(5) the following proceedings took place:

MR. [GEORGE H.] MAHON [of Texas]: Mr. Chairman, I ask unanimous consent that all debate on this bill and all amendments thereto close in 30 minutes. . . .

There was no objection.

Following debate, the proceedings continued as indicated below:

THE CHAIRMAN:(6) All time has expired.

The Clerk will read.

The Clerk concluded the reading of the bill.

MR. [JOHN E.] MOSS [Jr., of California]: Mr. Chairman, I move to strike the last word.

THE CHAIRMAN: The parliamentary situation is such that the gentleman cannot be recognized for that purpose since all debate has been concluded.

Parliamentarian's Note: This procedure was by unanimous consent only, as the Chair does not normally entertain a request to limit debate on an entire bill until reading thereof has been completed or dispensed with.

§ 14.18 After time set for debate on a bill and all amendments thereto had expired, no pro forma amendments were allowed, although further amendments could be offered but not debated.

A motion to strike the last word is not in order after all time for debate on a bill has expired. The following proceedings, which took place on July 18, 1968,(7) are an il-

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5. 114 CONG. REC. 26566, 26574, 90th Cong. 2d Sess. Under consideration was H.R. 18707 (Committee on Appropriations).

6. Daniel D. Rostenkowski (Ill.).

7. 114 CONG. REC. 22110, 90th Cong. 2d Sess. Under consideration was H.R. 15263 (Committee on Foreign Affairs), the Foreign Assistance Act of 1968.

lustration of the application of this principle:

Mr. [E. Ross] Adair [of Indiana]: Mr. Chairman, I rise to strike the requisite number of words.

The Chairman:(8) Under the unanimous-consent agreement,(9) all time for debate has expired.

Mr. [Wayne L.] Hays [of Ohio]: Mr. Chairman, I offer an amendment. Do I correctly understand I cannot discuss it?

The amendment was read.

Mr. Hays: Do I correctly understand that all time to explain amendments has expired?

The Chairman: The gentleman is correct.

Parliamentarian's Note: Special provision is made in Rule XXIII clause 6 (as amended in 1971), *House Rules and Manual* § 874 (101st Cong.), for debate on any amendment which a Member has caused to be printed in the Record.

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8. Charles M. Price (Ill.).
9. See § 14.12, infra, for discussion of an instance where five-minute debate was closed by motion.

C. OFFERING PARTICULAR KINDS OF AMENDMENTS; PRECEDENCE AND PRIORITIES

§ 15. Introductory; Perfecting Amendments, Generally

The broader principles governing the order in which amendments are considered during the process of reading a bill for amendment have been discussed in prior sections.(10) Similarly, the general - rules governing the number and forms of amendments that may be under consideration at any one time have been treated elsewhere.(11) The purpose of this and ensuing sections is to consider procedures applicable in offering specific kinds of amendments.

It should be noted at the beginning that a motion to strike out the enacting words of a bill, being a device used for purposes of rejecting the bill, has precedence over a motion to amend the bill.(12)

Generally, the House follows the principle expressed in *Jefferson's Manual* that language should be perfected before taking other action on it. Thus, a perfecting amendment to the text of a bill is in order and takes precedence over a pending motion to strike out the text.(13) The term "perfecting amendment," of course, includes amendments or motions to strike out and insert.(14)

When a motion to strike out is pending, it is not in order to offer a substitute therefor; but a perfecting amendment to the text proposed to be stricken may be offered at such time.(15) And while it is not in order to further amend an amendment in the nature of a substitute for several paragraphs which has been agreed to, a perfecting amendment to a paragraph of the bill proposed to be stricken out (in conformity with the purpose of the adopted substitute) may be offered while the motion to strike out is pending, and the perfecting amendment is first voted upon.(16)

To illustrate further, where a paragraph (or section) of a bill is under consideration, there may be pending at one time the following

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10. See, for example, §§ 7–10, supra.
11. See, §§ 5, 6, supra.
12. Rule XXIII clause 7, *House Rules and Manual* § 875 (101st Cong.).
13. See § 15.3, infra.
14. See, generally, § 16, infra.
15. See § 18.9, infra.
16. See § 32.16, infra.

separate motions to amend if offered in the order indicated:

(1) to strike out the paragraph (or section) in its entirety;

(2) to strike out the paragraph (or section) and insert;

(3) to insert, strike out and insert, or strike out a portion of the paragraph (or section)—a perfecting amendment to the paragraph or section.

However, if the perfecting amendment (3) is offered first, the motions to strike out the paragraph and insert new language (2) or to strike out the paragraph (1) may not be offered until the perfecting amendments are disposed of. The above motions to amend are voted on in the reverse order listed above, under the principle that language should first be perfected before changed in its entirety or stricken out. With the exception that (2) above may be amended by a perfecting amendment before it is voted upon, it is generally the rule that the above motions may not be offered as amendments to or substitutes for one another.

Generally; Precedence Over Motion To Strike

§ 15.1 To a paragraph of a bill, there may be pending at one time the following separate motions to amend: (1) to insert; (2) to strike out the paragraph and insert; and (3) to strike out the paragraph. These motions are voted on separately in the order listed; they may not be offered as amendments to or substitutes for one another, and they need not be offered in the order in which they are voted on.

An illustration of the procedures described above is found in the proceedings of July 12, 1951,(17) during consideration of a bill(18) to amend the Defense Production Act of 1950.

Mr. Howard H. Buffett [of Nebraska]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Buffett: Page 8, line 25, strike out all of subsection (e). . . .

Mr. [Jesse P.] Wolcott [of Michigan]: Mr. Chairman, I offer a substitute.

The Clerk read as follows:

> Amendment offered by Mr. Wolcott as a substitute for the amendment offered by Mr. Buffett: Page 8, line 25, strike out subsection (e) and insert in lieu thereof the following:
>
> "(e) When in his judgment it will aid the national defense, the President is authorized to install additional equipment facilities, processes, or improvements to plants, factories,

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17. 97 Cong. Rec. 8073, 8077, 8084, 8090, 82d Cong. 1st Sess.

18. H.R. 3871.

> and other industrial facilities owned by the United States Government, and to install Government-owned equipment in plants, factories, and other industrial facilities owned by private persons.". . .

MR. [JACOB K.] JAVITS [of New York]: Mr. Chairman, I offer an amendment perfecting the language sought to be stricken by the amendment offered by the gentleman from Nebraska [Mr. Buffett].

The Clerk read as follows:

> Amendment offered by Mr. Javits: On page 9, line 1, after the word "defense", insert "and upon the certification of the Director of Defense Mobilization that it is required for the national defense and is not otherwise obtainable.". . .

THE CHAIRMAN:[19] The gentleman from Nebraska [Mr. Buffett] has moved to strike certain language from the bill beginning with line 25 on page 8 through line 20, page 9. The gentleman from Michigan [Mr. Wolcott] has offered a motion which he labeled a substitute, but which in reality is a motion to strike out and insert. The gentleman from New York [Mr. Javits] has offered a perfecting amendment.

Under the rules the perfecting amendment will be voted upon first; the motion to strike out and insert will be voted upon next; and, should the amendment by the gentleman from Michigan [Mr. Wolcott] be adopted, the motion made by the gentleman from Nebraska [Mr. Buffett] would fall.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HALLECK: Is the amendment offered by the gentleman from New York [Mr. Javits] an amendment to the Wolcott substitute or to the Buffett amendment?

THE CHAIRMAN: The gentleman from New York [Mr. Javits] has offered a perfecting amendment to the text of the bill; it is not an amendment to the Wolcott amendment.

MR. JAVITS: Mr. Speaker, I ask unanimous consent that the amendments may be read before they are voted on.

THE CHAIRMAN: Is there objection to the request of the gentleman from New York?

There was no objection.

THE CHAIRMAN: The Clerk will read the amendment offered by the gentleman from New York [Mr. Javits].

The Clerk read as follows:

> Amendment offered by Mr. Javits: Page 9, line 1, after the word "defense", insert "and upon certification of the Director of Defense Mobilization that it is required for the national defense and is not otherwise obtainable."

THE CHAIRMAN: The question is on the amendment.

The amendment was agreed to.

THE CHAIRMAN: The question recurs on the amendment offered by the gentleman from Michigan [Mr. Wolcott], which the Clerk under the unanimous-consent agreement will read.

The Clerk read as follows:

> Amendment offered by Mr. Wolcott as a substitute for the amendment offered by Mr. Buffett: Page 8, line 25, strike out subsection (e) and insert in lieu thereof the following:
>
> "(e) When in his judgment it will aid the national defense, the President is authorized to install addi-

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19. Wilbur D. Mills (Ark.).

tional equipment facilities, processes, or improvements to plants, factories, and other industrial facilities owned by the United States Government, and to install Government-owned equipment in plants, factories, and other industrial facilities owned by private persons."

THE CHAIRMAN: The question is on the amendment.

The question was taken; and on a division (demanded by Mr. Wolcott) there were—ayes 125, noes 116. . . .

So the amendment was agreed to.

THE CHAIRMAN: Accordingly the amendment offered by the gentleman from Nebraska [Mr. Buffett] falls.

§ 15.2 While a motion to strike out is pending, it is in order to offer an amendment to perfect the language proposed to be stricken out; such a perfecting amendment (which is in the first degree) may be amended by a substitute (also in the first degree), and amendments to the substitute are then in the second degree and in order.

On Oct. 19, 1983,(20) during consideration of H.R. 3231,(1) in the Committee of the Whole, the proceedings described above occurred as follows:

AMENDMENT OFFERED BY MR. COURTER

MR. [JAMES A.] COURTER [of New Jersey]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Courter: Page 14, line 4, strike out "If" and all that follows through "involved." on line 8.
>
> Page 16, line 18, strike out "If" and all that follows through "involved." on line 22. . . .

PERFECTING AMENDMENT OFFERED BY MR. BONKER

MR. [DON] BONKER [of Washington]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

> Perfecting amendment offered by Mr. Bonker: Page 14, line 4, strike out "If" and all that follows through "involved." on line 8 and insert in lieu thereof the following: "If, within 6 months after the President's determination, the foreign availability has not been eliminated, the Secretary may not, after the end of that 6-month period, require a validated license for the export of the goods or technology involved.". . .

AMENDMENT OFFERED BY MR. SOLOMON AS A SUBSTITUTE FOR THE PERFECTING AMENDMENT OFFERED BY MR. BONKER

MR. [GERALD B.] SOLOMON [of New York]: Mr. Chairman, I offer an amendment as a substitute for the perfecting amendment.

The Clerk read as follows:

> Amendment offered by Mr. Solomon as a substitute for the perfecting amendment offered by Mr. Bonker: Page 14, line 8, insert the following immediately after the first period: "The President may extend the 6-month period described in the preceding sentence for an additional period of one year if the President determines that the absence of the export control involved would prove

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20. 129 CONG. REC. 28274, 28282, 28283, 98th Cong. 1st Sess.

1. Export Administration Act Amendments of 1983.

detrimental to the national security of the United States.". . .

AMENDMENT OFFERED BY MR. HUNTER TO THE AMENDMENT OFFERED BY MR. SOLOMON AS A SUBSTITUTE FOR THE PERFECTING AMENDMENT OFFERED BY MR. BONKER

MR. [DUNCAN L.] HUNTER [of California]: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the perfecting amendment.

The Clerk read as follows:

> Amendment offered by Mr. Hunter to the amendment offered by Mr. Solomon as a substitute for the perfecting amendment offered by Mr. Bonker: At the end of the Solomon amendment add the following new sentence: "If at the end of said year, foreign availability remains, and the President determines that transfer of the subject technology by the United States would damage national security, the Secretary shall require a license as a prerequisite to transfer.". . .

MR. BONKER: Mr. Chairman, I have offered an amendment to the amendment in the nature of a substitute but as I understand it the gentleman from New Jersey simply strikes. So my amendment would be to the text of the bill.

THE CHAIRMAN:[2] The gentleman is correct. His amendment is in the first degree as a perfecting amendment to the provision which the gentleman from New Jersey would strike out.

MR. BONKER: The amendment that has been offered by the gentleman from California (Mr. Hunter), is that in the form of an amendment to my substitute or in the form of an amendment to my amendment?

THE CHAIRMAN: As the Chair understands it, it is an amendment to the substitute offered by the gentleman from New York. It is an amendment to the Solomon substitute for the Bonker perfecting amendment.

MR. BONKER: Is that an amendment in the third degree?

THE CHAIRMAN: No, it is not. The Solomon amendment is a substitute and this is an amendment to the substitute for the Bonker amendment.

MR. BONKER: Mr. Chairman, I withdraw my point of order.

§ 15.3 A perfecting amendment to the text of a bill is in order and takes precedence over a pending motion to strike out the text.

On Oct. 3, 1969,[3] the following proceedings took place:

The Clerk read as follows:

> Motion offered by Mr. [Samuel S.] Stratton [of New York]: On page 16, line 9, strike all of Title V. . . .

The Clerk read as follows:

> Amendment offered by Mr. [Andrew] Jacobs [Jr., of Indiana] to title V: On page 17, immediately after line 13 insert the following:
>
> "Sec. 505. (a) The Comptroller General of the United States (hereinafter in this section referred to as the 'Comptroller General') is authorized. . . ."

MR. [L. MENDEL] RIVERS [of South Carolina]: Mr. Chairman, is this an amendment to the amendment or is this another amendment?

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[2] John F. Seiberling (Ohio).

[3] 115 CONG. REC. 28454, 28455, 91st Cong. 1st Sess. Under consideration was H.R. 14000.

THE CHAIRMAN:(4) The Chair will state that this is an amendment offered by the gentleman from Indiana to title V.

MR. RIVERS: Mr. Chairman, I submit that this amendment is not germane because the amendment before embodied is to strike the section. How can you have an amendment to a section that is to be stricken? . . .

THE CHAIRMAN: . . . Perfecting amendments to a title in a bill may be offered while there is pending a motion to strike out such title. . . . The Chair will state that the amendment offered by the gentleman from Indiana is to title V; a perfecting amendment, and it is in order to offer perfecting amendments when a motion to strike is pending. . . .

MR. [FRANK E.] EVANS of Colorado: Mr. Chairman, if the amendment of the gentleman from Indiana passes, and thereafter the motion of the gentleman from New York passes, what is the status of the amendment of the gentleman from Indiana?

THE CHAIRMAN: If the amendment offered by the gentleman from Indiana is agreed to and the motion offered by the gentleman from New York to strike the whole title is agreed to, then the amendment will be stricken.

§ 15.4 A perfecting amendment may be offered while a motion to strike out is pending and the perfecting amendment is first acted upon.

On Aug. 14, 1963,(5) the following proceedings took place:

THE CHAIRMAN:(6) The Clerk will report the committee amendments.

The Clerk read as follows:

COMMITTEE AMENDMENTS

Page 7, line 4, insert "State" immediately before "commission". . . .

Page 15, beginning with line 5, strike out everything down through line 16 on page 16.

Page 23, beginning in line 5, strike out ", notwithstanding the provisions of any other law,".

Page 23, line 7, strike out "may be" and insert in lieu thereof "are".

Page 26, line 7, after "divinity" insert the following: "(For the purposes of this subparagraph, the term 'school or department of divinity' means an institution, or a department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion. . . .

MR. [JOHN B.] ANDERSON [of Illinois]: Mr. Chairman, I offer a perfecting amendment to the text of the bill which the committee amendment proposes to strike out on page 15, line 9.

The Clerk read as follows:

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4. Daniel D. Rostenkowski (Ill.).

5. 109 CONG. REC. 14987, 14988, 88th Cong. 1st Sess. Under consideration was H.R. 6143.

See also 109 CONG. REC. 2462, 2488, 2489, 88th Cong. 1st Sess., Feb. 7, 1963, for a further ruling that a perfecting amendment may be offered while a motion to strike out is pending.

And see 96 CONG. REC. 4518, 4521, 81st Cong. 2d Sess., Mar. 31, 1950.

6. W. Homer Thornberry (Tex.).

> Amendment offered by Mr. Anderson as a perfecting amendment to the text of the bill: On page 15, beginning with line 9, strike out everything down through line 21 on page 16 and insert the following:
>
> "(b)(1) The Commissioner's approval or disapproval of an application for a grant under title I or loan under title III shall be effected by an order which shall be conclusive except as otherwise provided in this subsection. Notice of such order shall be published in the Federal Register and shall contain such information as the Commissioner deems necessary to effectuate the purposes of this subsection. . . .

MR. [JAMES] ROOSEVELT [of California]: Mr. Chairman, is not the effect of the gentleman's amendment to wipe out all of the committee amendments, not just the one to which he refers? And secondly, Mr. Chairman, would it not therefore be in order for the gentleman to withdraw his amendment at this time and offer it afresh after the adoption of the committee amendments?

THE CHAIRMAN: In answer to the parliamentary inquiry of the gentleman from California, the gentleman from Illinois can offer the amendment at this time if he so desires. . . .

The Chair will state that the gentleman from Illinois [Mr. Anderson] is offering a perfecting amendment to the text of the bill which the committee amendment proposes to strike out and the gentleman's amendment does not affect the other committee amendments except this particular amendment. The gentleman's amendment takes precedence over just this one committee amendment.

§ 15.5 A perfecting amendment to a paragraph may be offered while a motion to strike out the paragraph is pending, and the perfecting amendment is voted on first.

On June 24, 1975,(7) the Committee of the Whole having under consideration a bill,(8) an amendment was offered and proceedings were as indicated below:

MR. [LEO J.] RYAN [of California]: Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

> SELECTIVE SERVICE SYSTEM
>
> SALARIES AND EXPENSES
>
> For expenses necessary for the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101–4118) for civilian employees; and not to exceed $1,000 for official reception and representation expenses: $40,000,000: . . .

The Clerk read as follows:

> Amendment offered by Mr. Ryan: Page 26, strike out line 18 and all that follows thereafter through page 27, line 13.

MR. [ROBERT F.] DRINAN [of Massachusetts]: Mr. Chairman, I have a perfecting amendment to the paragraph of the bill which the Ryan amendment seeks to strike.

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7. 121 CONG. REC. 20569, 20570, 20573, 20574, 94th Cong. 1st Sess.
8. H.R. 8070, Department of Urban Development appropriations, 1976.

The Chairman:(9) The Clerk will report the perfecting amendment.

The Clerk read as follows:

> Perfecting amendment offered by Mr. Drinan to the paragraph which the Ryan amendment seeks to strike: On page 27, line 1, strike out "$40,000,000" and insert in lieu thereof "$17,672,000."

On page 27, line 11, strike out "$8,300,000" and insert in lieu thereof "$3,272,000.". . .

The Chairman: The question is on the perfecting amendment offered by the gentleman from Massachusetts (Mr. Drinan). . . .

[T]he perfecting amendment was rejected.

The Chairman: The question is on the amendment offered by the gentleman from California (Mr. Ryan).

The amendment was rejected.

§ 15.6 While an amendment to strike out a section of a bill is pending, a perfecting amendment to that section (to strike out a portion of that section and insert new language) may be offered.

On July 26, 1973,(10) the following proceedings took place:

The Clerk read as follows:

> Amendment offered by Mr. [Otto E.] Passman [of Louisiana]: Strike out everything after line 13, page 41, through line 7, page 47.

Mr. Passman: Mr. Chairman and Members of the Committee, as I mentioned earlier, this item was not requested in the budget; it was not submitted to the Committee on Appropriations; and we have not had hearings on it.

Mr. [Dante B.] Fascell [of Florida]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

> Perfecting amendment offered by Mr. Fascell: On page 42, strike out lines 13 through 18 and insert in lieu thereof the following: . . .

The Chairman:(11) The question is on the perfecting amendment offered by the gentleman from Florida (Mr. Fascell).

The perfecting amendment was agreed to. . . .

Mr. Passman: Mr. Chairman, I do not wish to belabor this discussion any longer. What will the vote be on? Will it be on my own amendment?

The Chairman: The gentleman's amendment is the pending amendment.

The question is on the amendment offered by the gentleman from Louisiana (Mr. Passman).

§ 15.7 A perfecting amendment to the text of a bill (inserting new words) is in order and takes precedence over a pending motion to strike out that portion of the text of the bill.

On Mar. 19, 1970,(12) the following proceedings took place:

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9. James G. O'Hara (Mich.).
10. 119 Cong. Rec. 26201-05, 93d Cong. 1st Sess. Under consideration was H.R. 9360.
11. Charles M. Price (Ill.).
12. 116 Cong. Rec. 8188-91, 91st Cong. 2d Sess.

Amendment offered by Mr. [David W.] Dennis [of Indiana]: . . .

Page 304, strike out lines 1 through 21 in their entirety, thus striking out all of subsection (b) of section 907A of the bill. . . .

Mr. [William H.] Harsha [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Harsha: On page 304, line 7, after the word "burglary" insert "in the first degree". . . .

Mr. Dennis: Mr. Chairman, there is a motion here to strike that is pending. I query whether this amendment offered by the gentleman from Ohio is in order under those circumstances. Only a motion to strike is before the committee.

The Chairman:(13) The motion of the gentleman from Indiana is to strike the section. The amendment offered by the gentleman from Ohio is a perfecting amendment in that language that is moved to be stricken.

Mr. Dennis: Pardon me, Mr. Chairman. I think it is a perfecting amendment in connection with the bill but not as to my amendment. I raise a point of order against it.

The Chairman: The Chair will advise the gentleman that the amendment offered by the gentleman from Ohio is in the nature of a perfecting amendment that falls within that section of the bill that the gentleman from Indiana would strike by his amendment. Therefore it is in order.

§ 15.8 Where a motion to strike out is pending, perfecting amendments may be offered and acted on before consideration of the motion to strike; and if the motion to strike is rejected, further perfecting amendments to the pending text are in order.

On Oct. 3, 1977,(14) the Committee of the Whole having under consideration H.R. 3816,(15) the proceedings described above were as follows:

Mr. [Robert] Krueger [of Texas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Krueger: On page 35, strike line 14 and all that follows through line 5 on page 44, and redesignate the following sections accordingly. . . .

Mrs. [Millicent] Fenwick [of New Jersey]: Mr. Chairman, I offer a perfecting amendment.

The clerk read as follows:

> Perfecting amendment offered by Mrs. Fenwick:
>
> Page 37, strike out the period in line 12 and insert in lieu thereof a semicolon and the following: "except that in the case of an action commenced under subparagraph (B) of such subsection, the court may grant such relief only if the plaintiff in such action satisfies the court that the act . . . is one which a reasonable man would have known under the circumstances was . . . fraudulent."

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13. James C. Corman (Calif.).

14. 123 Cong. Rec. 32013, 32017, 95th Cong. 1st Sess.

15. A bill to amend the Federal Trade Commission Act.

MR. [CHARLES E.] WIGGINS [of California]: Mr. Chairman, I make a point of order against the amendment. . . .

. . . [P]ending before the committee is an amendment to the bill striking section 7 in its entirety. The gentlewoman from New Jersey (Mrs. Fenwick) has offered what she characterizes as a perfecting amendment to an amendment to strike which amends a portion of section 7.

It is my view, Mr. Chairman, that that amendment is not in order since section 7 is to be stricken entirely if the original amendment carries. The second amendment, the perfecting amendment, is inconsistent with the original amendment in its entirety, and for that reason it is out of order. . . .

THE CHAIRMAN:(16) The Chair is ready to rule.

The perfecting amendment offered by the gentlewoman from New Jersey (Mrs. Fenwick) is not an amendment to the amendment to strike. It is an amendment in the nature of a perfecting amendment to the bill.

Perfecting amendments to the text of the bill are in order and take precedence over a pending motion or amendment to strike the pending portion of the bill.

Therefore, the Chair respectfully overrules the point of order. . . .

MR. WIGGINS: Mr. Chairman, several of us have amendments which will be offered if the motion to strike does not carry. Will those perfecting amendments be in order after the vote on the motion to strike?

THE CHAIRMAN: The Chair will state that if the amendment or motion to strike does not carry, those amendments will be in order.

§ 15.9 Where an amendment striking out a section is first offered, an amendment to change a portion of the section proposed to be stricken is then offered as a perfecting amendment (in the first degree) to the bill and not as an amendment to the motion to strike; the perfecting amendment is voted on first and remains part of the bill if the motion to strike is then rejected.

An example of the proposition described above occurred on Sept. 18, 1986,(17) during consideration of H.R. 1426.(18) The proceedings in the Committee of the Whole were as follows:

MR. [HOWARD C.] NIELSON of Utah: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Nielson of Utah: Page 12, strike line 1 and all that follows through page 14, line 20 (and redesignate the subsequent sections of title II of the bill accordingly). . . .

MR. [JOHN S.] MCCAIN [of Arizona]: Mr. Chairman, I offer a perfecting amendment.

THE CHAIRMAN:(19) The Clerk will report the amendment.

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16. Abraham Kazen, Jr. (Tex.).

17. 132 CONG. REC. 24120-22, 99th Cong. 2d Sess.

18. Indian Health Care amendments.

19. Beryl F. Anthony, Jr. (Ark.).

The Clerk read as follows:

> Perfecting amendment offered by Mr. McCain. Section 201 is amended by striking:
>
> "(h) There are authorized to be appropriated for the purposes of carrying out the provisions of this section—
>
> "(1) $28,000,000 for fiscal year 1988. . . .

THE CHAIRMAN: The question is on the perfecting amendment offered by the gentleman from Arizona (Mr. McCain) to title II.

The perfecting amendment was agreed to.

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Utah (Mr. Nielson).

The amendment was rejected.

THE CHAIRMAN: Are there other amendments to title II? . . .

MR. NIELSON of Utah: Mr. Chairman, on the perfecting amendment of the gentleman from Arizona (Mr. McCain), that amendment passed but my amendment failed. That means that his amendment went down with mine; is that correct?

THE CHAIRMAN: The perfecting amendment of the gentleman from Arizona prevailed to the bill, not to the gentleman's amendment, and at the present it is the prevailing amendment.

MR. NIELSON of Utah: It is part of the bill, then?

THE CHAIRMAN: The gentleman is correct. Yes; it is part of the bill.

§ 15.10 The Chair indicated in response to a parliamentary inquiry that an amendment to add words to a paragraph, offered while a motion to strike that paragraph was pending, was a preferential perfecting amendment and not a substitute for the motion to strike.

On Feb. 24, 1977,[20] the Chair, responding to a parliamentary inquiry, indicated that where it was proposed to strike out a paragraph of a bill[1] and an amendment was offered perfecting the text of the bill, such amendment was a preferential amendment and not a substitute for the motion to strike. The proceedings were as follows:

MR. [SAM] GIBBONS [of Florida]: Madam Chairman, I offer an amendment.

The Clerk read as follows: . . .

> Page 2, strike out line 23 and all that follows down through and including line 7 on page 3. . . .

MR. [WILLIAM H.] HARSHA [of Ohio]: Madam Chairman, I offer a perfecting amendment.

The Clerk read as follows:

> Perfecting amendment offered by Mr. Harsha: Page 3, line 7, after the first period insert the following:
>
> "This subsection shall not apply in any case where the Secretary determines it to be inconsistent with the public interest, or the cost to be unreasonable. . . .

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[20] 123 CONG. REC. 5321, 5323, 5325, 95th Cong. 1st Sess.

[1] H.R. 11, Local Public Works Capital Development and Investment Act amendments.

Mr. Gibbons: Madam Chairman, I move to strike the last word. I only take the floor for the purpose of asking the gentleman from Ohio to clarify his amendment. As I understand it, his amendment is a substitute for my amendment. If the gentleman's amendment is adopted, my amendment would be wiped out and his would, in effect, be reaffirmation of the existing buy American law. . . .

The Chairman:(2) The Chair would say to the gentleman from Florida that the amendment offered by the gentleman from Ohio is a perfecting amendment to the text of the bill, and it will be voted on first because of its precedence.

Mr. [Robert A.] Roe [of New Jersey]: Madam Chairman, would the Chair explain the parliamentary situation?

The Chairman: The parliamentary situation is this:

The gentleman from Florida (Mr. Gibbons) offered an amendment to strike a paragraph from the bill. The gentleman from Ohio (Mr. Harsha) offered an amendment which is a perfecting amendment to the original bill and which, if it is adopted, would be a part of the original text which the gentleman from Florida proposes to strike.

The question would then occur on the amendment offered by the gentleman from Florida (Mr. Gibbons). If the amendment offered by the gentleman from Florida were adopted, then the language which had been included as a perfecting amendment would also be stricken, along with the rest of the paragraph.

The question is on the perfecting amendment offered by the gentleman from Ohio (Mr. Harsha).

The perfecting amendment was agreed to.

The Chairman: The question is on the amendment offered by the gentleman from Florida (Mr. Gibbons).

The amendment was rejected.

Debate on Motion To Strike May Precede Offering of Perfecting Amendment

§ 15.11 While a motion to strike a pending portion of a bill will be held in abeyance until perfecting amendments to that portion are disposed of, a Member who has been recognized to debate his motion to strike may not be deprived of the floor by another Member who seeks to offer a perfecting amendment; after the Member so recognized has completed his five minutes in support of his motion to strike, but before the question is put on the motion to strike, the perfecting amendment may be offered and voted upon.

On Oct. 31, 1975,(3) the Committee of the Whole having under consideration a bill,(4) the proceed-

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2. Barbara Jordan (Tex.).

3. 121 Cong. Rec. 34564, 34565, 94th Cong. 1st Sess.

4. H.R. 10024, Depository Institutions Amendments of 1975.

ings, described above, were as follows:

Mr. [John H.] Rousselot [of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Rousselot: Beginning on page 10, line 18, strike all that follows through page 188, line 10. . . .

Mr. [Fernand J.] St Germain [of Rhode Island]: I believe that under the rules of the House since this amendment involves a motion to strike the title, that perfecting amendments that are at the desk take precedence over such a motion to strike a title. Is that not correct?

The Chairman:(5) That is true, if any are offered.

Mr. St Germain: I believe there are amendments pending.

Mr. [John Joseph] Moakley [of Massachusetts]: Mr. Chairman, I might state that I was standing when the Chairman recognized the gentleman from California (Mr. Rousselot), and I have a perfecting amendment at the desk.

The Chairman: The Chair will state that the amendment offered by the gentleman from California, Mr. Rousselot, is pending now, and that the gentleman from California has been recognized. The gentleman may offer his perfecting amendment after the gentleman from California has completed his five minutes in support of his amendment to strike.

En Bloc Amendment Striking Text

§ 15.12 Where by unanimous consent, several committee amendments are being considered en bloc, an amendment to perfect text proposed to be stricken by one of the en bloc amendments is in order; it takes precedence over that particular committee amendment, and is first acted upon.

On Aug. 14, 1963,(6) the following proceedings took place:

Mr. [Adam C.] Powell [of New York]: Mr. Chairman, I ask unanimous consent that the committee amendments be considered en bloc. . . .

There was no objection. . . .

[The Clerk here read several committee amendments, one of which follows:]

> [Committee Amendments]
>
> Page 15, beginning with line 5, strike out everything down through line 16 on page 16. . . .

Mr. [John B.] Anderson [of Illinois]: Mr. Chairman, I offer a perfecting amendment to the text of the bill which the committee amendment proposes to strike out on page 15, line 9.

The Clerk read as follows:

> Amendment offered by Mr. Anderson as a perfecting amendment to the text of the bill: . . .

In response to parliamentary inquiries as to the propriety of the

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5. Spark M. Matsunaga (Hawaii).

6. 109 Cong. Rec. 14987, 14988, 88th Cong. 1st Sess. Under consideration was H.R. 6143.

amendment, the Chairman[7] stated:

> The Chair will state that the gentleman from Illinois [Mr. Anderson] is offering a perfecting amendment to the text of the bill which the committee amendment proposes to strike out and the gentleman's amendment does not affect the other committee amendments except this particular amendment. The gentleman's amendment takes precedence over just this one committee amendment.

Perfecting Amendment Not Offered to Motion To Strike

§ 15.13 When a motion to strike out a pending portion of a bill is pending, perfecting amendments are in order to the text proposed to be stricken—not to the motion to strike.

On Aug. 4, 1966,[8] the following proceedings took place after a unanimous-consent request had been made that, when the Committee of the Whole resumed consideration of the bill, there would be thirty minutes of debate followed by a vote on the pending motion to strike a title of the bill, and, if that motion were defeated, the Committee would then continue to consider the title:

> MR. [DURWARD G.] HALL [of Missouri]: . . . [T]he Chair repeatedly ruled in the last 2 weeks of debate, if you will recall, that perfecting amendments must be heard to the Moore amendment before you called for a vote and then thereafter there will be additional votes on title IV. This was thoroughly understood.
>
> THE CHAIRMAN:[9] The gentleman from Missouri must have misheard the Chair, because there have been and there are and there could be no perfecting amendments to the Moore motion to strike. The perfecting amendments are to the title, and the title must be perfected prior to a vote on the Moore amendment unless this unanimous-consent agreement is entered into.

—Amendment Construed as Offered to Bill

§ 15.14 Since a perfecting amendment to strike out and insert takes precedence over a motion to strike out, the Chair may examine the effect of an amendment proposed to a pending motion to strike to determine whether it is properly a perfecting amendment in the first degree to that portion of the bill proposed to be stricken.

On July 18, 1979,[10] while a motion to strike out certain words in a bill was pending, the Chair interpreted another amendment, imprecisely drafted as an amendment to that amendment reinserting with one change all the words proposed to be stricken, as in reality a perfecting amendment to the bill which merely changed some of the language proposed to be stricken. The proceedings, during consideration of H.R. 4473, foreign assistance appropriations for fiscal 1980, were as follows:

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[7] W. Homer Thornberry (Tex.).

[8] 112 CONG. REC. 18207, 89th Cong. 2d Sess. Under consideration was H.R. 14765.

[9] Richard Bolling (Mo.).

[10] 125 CONG. REC. 19310-12, 96th Cong. 1st Sess.

The Clerk read as follows:

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury $292,000,000 for the United States contribution to the fourth replenishment as authorized by the Act of August 14, 1974 (Public Law 93-373), to remain available until expended. . . .

MR. [C. W. BILL] YOUNG of Florida: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Young of Florida: On page 4, line 4, after the comma, strike the remainder of line 4 and lines 5 through 7.

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment by Mr. Obey to the amendment offered by Mr. Young of Florida: Restore the matter stricken by said amendment, changing the sum named in such matter to "$286,160,000". . . .

MR. YOUNG of Florida: Mr. Chairman, I make the point of order that this amendment is not in proper form. It is not germane to the amendment it seeks to amend. To the contrary, it would seek to amend the bill.

The gentleman's amendment mentions a dollar figure. There is no dollar figure mentioned in the Young amendment which it seeks to amend. The Young amendment simply is an amendment to strike language from the bill. It neither substitutes nor replaces, it merely strikes. I submit that this amendment is not in proper form and is not germane to the amendment. . . .

THE CHAIRMAN:(11) The Chair has looked at the amendment, and the Chair would say that the amendment of the gentleman from Florida strikes a part of the bill, that the amendment sent up by the gentleman from Wisconsin is, in fact, a perfecting amendment to the bill, which is one of the exceptions of having two amendments pending at the same time. The amendment of the gentleman from Wisconsin only changes the figure that is part of the text of the bill which the gentleman from Florida seeks to strike altogether, and therefore the Chair will respectfully overrule the point of order.

Amendments Disposed of Seriatim; Perfecting Amendment Striking Smaller Portion of Text

§ 15.15 Perfecting amendments to a paragraph may be offered (one at a time) while a motion to strike out the paragraph is

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(11) Abraham Kazen, Jr. (Tex.).

pending, and such perfecting amendments are first disposed of.

On Mar. 29, 1966,(12) the following proceedings took place:

The Clerk read as follows:

> Amendment offered by Mr. [Frank T.] Bow [of Ohio]: On page 4, strike out lines 6 through 22, inclusive. . . .

Mr. [Leonard] Farbstein [of New York]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Farbstein: On page 4, line 14, strike out "$12,000,000" and insert in lieu thereof "$30,000,000".

Mr. [Joseph L.] Evins of Tennessee: Mr. Chairman, I make a point of order against the amendment offered by the gentleman from New York since the amendment offered by the gentleman from Ohio [Mr. Bow] is pending.

The Chairman:(13) The Chair is prepared to rule.

The amendment offered by the gentleman from New York is a perfecting amendment to the paragraph, which the amendment offered by the gentleman from Ohio would completely strike out. Since the amendment offered by the gentleman from New York is a perfecting amendment, it is in order. . . .

The amendment was rejected.

Mr. [William F.] Ryan [of New York]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Ryan: On page 4, strike out lines 15 through 22.

The Chairman: The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The Chairman: The question now occurs on the amendment offered by the gentleman from Ohio [Mr. Bow].

Perfecting Amendments Where Motion To Strike Being Considered by Unanimous Consent

§ 15.16 A unanimous-consent request to consider an amendment to a section of a bill which has not been read for amendment, where the bill is being read for amendment by sections, does not permit the offering of other amendments to that section of the bill; thus, while perfecting amendments to the text of a bill may ordinarily be offered pending a motion to strike that text, perfecting amendments may not be offered to one portion of a section of a bill not yet read for amendment where unanimous consent has been obtained to consider a motion to strike another portion of that section.

On Oct. 5, 1977,(14) the Committee of the Whole having under

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12. 112 Cong. Rec. 7104-06, 7118, 89th Cong. 2d Sess. Under consideration was H.R. 14012.
13. James G. O'Hara (Mich.).
14. 123 Cong. Rec. 32523, 32524, 95th Cong. 1st Sess.

consideration H.R. 8410,(15) the proceedings, described above, occurred as follows:

THE CHAIRMAN:(16) Are there further amendments to section 7? . . .

MR. [JOHN N.] ERLENBORN [of Illinois]: Mr. Chairman, I offer amendments to sections 7 and 8, and I ask unanimous consent that the amendments may be considered en bloc.

THE CHAIRMAN: Is there objection to the request of the gentleman from Illinois? . . .

There was no objection.

THE CHAIRMAN: The Clerk will report the amendments.

The Clerk read as follows:

> Amendments offered by Mr. Erlenborn: Page 22, line 14, strike "(1)"; page 22, line 15, strike "or" the second time it occurs, and all that follows through line 5, page 23. . . .

MR. [FRANK] THOMPSON [Jr., of New Jersey]: Mr. Chairman, I wonder if it is possible parliamentarily for the gentleman from Minnesota (Mr. Quie) to offer an amendment to the bill at this point.

THE CHAIRMAN: The Chair would advise the gentleman from New Jersey (Mr. Thompson) that an amendment to or a substitute for the motion to strike would not be in order.

MR. THOMPSON: But an amendment to the bill, rather than a substitute to strike, would be in order, Mr. Chairman?

THE CHAIRMAN: The Chair would advise the gentleman from New Jersey that, as the gentleman knows, section 8 is not open for amendment at this time, other than the Erlenborn amendment, and perfecting amendments to that section are not yet in order.

Amendment Striking Lesser Portion of Text

§ 15.17 Where it is proposed to strike out certain words in a bill, it is in order to perfect the words before acting on the motion to strike; and the perfecting amendment may take the form of a motion to strike out a lesser portion of the words encompassed in the pending motion to strike.

On Oct. 3, 1969,(17) the following proceedings took place:

The Clerk read as follows:

> Motion offered by Mr. [Samuel S.] Stratton [of New York]: On page 16, line 9, strike all of Title V. . . .

The Clerk read as follows:

> Amendment offered by Mr. [Andrew] Jacobs [Jr., of Indiana] to title V: On page 17, immediately after line 13 insert the following:
>
> Sec. 505. (a) The Comptroller General of the United States (hereinafter in this section referred to as the "Comptroller General") is authorized and directed, as soon as practicable after the date of enactment of this section, to conduct a study and review on a selective basis of the profits made by contractors and subcontractors on contracts on which there is no formally adver-

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15. The Labor Reform Act of 1977.
16. William H. Natcher (Ky.).
17. 115 CONG. REC. 28454, 28455, 28459, 28460, 28463, 28464, 91st Cong. 1st Sess. Under consideration was H.R. 14000.

tised competitive bidding entered into by the Department of the Army, the Department of the Navy, the Department of the Air Force, the Coast Guard, and the National Aeronautics and Space Administration under the authority of chapter 137 of title 10, United States Code, and on contracts entered into by the Atomic Energy Commission to meet requirements of the Department of Defense. . . .

SUBSTITUTE AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS FOR THE AMENDMENT TO TITLE V OFFERED BY MR. JACOBS

Mr. [John B.] Anderson of Illinois: Mr. Chairman, I offer a perfecting amendment to title V.

The Clerk read as follows:

> Amendment offered by Mr. Anderson of Illinois: On page 16, line 13, after the period, strike out the balance of the language of title V which appears on pages 16 down to the period on line 24, and add a new section 502 which reads as follows:
>
> Sec. 502 (a) The Secretary of Defense, in cooperation with the Comptroller General, shall develop a reporting system for major acquisition programs managed by the Department of Defense, any department or agency thereof, or any armed service of the United States, for the acquisition of any weapons system or other need of the United States.
>
> "(b) The Secretary of Defense shall cause a review to be made of each major acquisition program as specified in subsection (a). . .".

The Chairman:(18) . . . Does the gentleman from Illinois offer this amendment as a substitute for the amendment offered by the gentleman from Indiana (Mr. Jacobs)?

Mr. Anderson of Illinois. Yes. . . .

The Chairman: The question is on the substitute amendment offered by the gentleman from Illinois (Mr. Anderson) for the amendment offered by the gentleman from Indiana (Mr. Jacobs). . . .

So the substitute amendment was rejected. . . .

The Chairman: The question is on the amendment offered by the gentleman from Indiana (Mr. Jacobs). . . .

So the amendment was rejected. . . .

The Clerk read as follows:

> Amendment offered by Mr. [William F.] Ryan [of New York]: On page 16, after the period on line 13, strike out the remainder of line 13. . . .

The Chairman: The question is on the amendment offered by the gentleman from New York (Mr. Ryan).

The amendment was rejected.

The Chairman: . . . The question is on the motion to strike offered by the gentleman from New York (Mr. Stratton).

The motion was agreed to.

§ 15.18 Where there is pending a motion to strike an entire title of a bill, it is in order to offer, as a perfecting amendment to that title, a motion to strike out a lesser portion of the title, and that perfecting amendment is voted on first.

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18. Daniel D. Rostenkowski (Ill.).

On June 11, 1975,[19] the Committee of the Whole having under consideration H.R. 6860,[20] a motion to strike out a title of the bill was offered. The proceedings, described above, were as follows:

> Mr. [Bill] Alexander [of Arkansas]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Alexander: Strike out title II (relating to energy conservation taxes), beginning on line 1 of page 29, and ending on line 24 of page 57. . . .
>
> Mr. [Al] Ullman [of Oregon]: Mr. Chairman, the amendment to strike will not be voted on until there is opportunity to vote on all of the perfecting amendments to title II?
>
> The Chairman:[1] The gentleman is correct.
>
> Mr. [Fortney H.] Stark [of California]: Mr. Chairman, I offer several amendments, and ask unanimous consent that they be considered en bloc.
>
> The Clerk read as follows:
>
> > Amendments offered by Mr. Stark: Page 30, strike out line 1 and all that follows down through line 5 on page 31.
> >
> > Page 32, strike out line 20 and all that follows down through line 25. . . .
>
> Mr. Ullman: Mr. Chairman, the gentleman from California has offered an amendment which would strike part B. The gentleman from Arkansas has offered an amendment which would strike the whole title.
>
> I would assume, after part B is perfected, as the gentleman's amendment to strike part B asks, it would come before the amendment to strike the whole title. Am I correct?
>
> The Chairman: The Chair would like to advise the chairman of the committee that the amendment offered by the gentleman from California (Mr. Stark) is a perfecting amendment and will be voted on first.

Parliamentarian's Note: When title II of the bill was read, an amendment was offered to strike out the entire title (no one sought recognition at that point with a perfecting amendment). Perfecting amendments to the text of the bill proposed to be stricken were in order although the motion to strike itself was not amendable. The first such perfecting amendment offered was to strike out a portion of the title. The Committee on Ways and Means sought to consider amendments to modify that portion prior to the consideration of a motion to strike that portion, but since only one perfecting amendment could be pending at a time and there is no degree of preference as between perfecting amendments, unanimous consent was required to withdraw the perfecting amendment to strike; objection to that request precluded the offering of other perfecting amendments at that time.

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[19] 121 Cong. Rec. 18435, 18437, 18438, 94th Cong. 1st Sess.

[20] Energy Conservation and Conversion Act of 1975.

[1] William H. Natcher (Ky.).

Member Offering Motion To Strike as Precluded From Offering Perfecting Amendment

§ 15.19 A Member who has offered a motion to strike a section of a bill may not thereafter offer a perfecting amendment to that section while his motion to strike is pending.

On Sept. 29, 1975,(2) during consideration of a bill(3) in the Committee of the Whole, the Chair responded to parliamentary inquiries as described above. The proceedings were as follows:

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Chairman, I will try to propound a proper parliamentary inquiry. . . .

. . . My original amendment was to strike section 2 in its entirety. We have just accepted striking from line 20, section 2, through line 6 on page 13. Is an amendment in order at this point to strike the remainder of that section?

THE CHAIRMAN:(4) The Chair will respond to the gentleman by saying that an amendment would be in order to strike so much of the section that was not amended by the gentleman from Arkansas' amendment.

MR. DERWINSKI: But obviously I am precluded at this point from offering an amendment to strike beginning on line 20, page 12.

THE CHAIRMAN: The Chair will state to the gentleman from Illinois that other Members would not be precluded from offering such an amendment.

Amendment Striking Out Title

§ 15.20 Where there was pending an amendment to strike out a title of a bill, the Chairman indicated that a perfecting amendment inserting a new section within that title could be offered.

On Nov. 4, 1971,(5) the following proceedings took place:

MRS. [EDITH S.] GREEN of Oregon: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mrs. Green of Oregon: Beginning with line 7 on page 256, strike out everything down through line 25 on page 262.

MR. [WILLIAM A.] STEIGER of Wisconsin: Mr. Chairman, is an amendment in order at this point which would amend that title as it now stands, when we have an amendment to strike the title now pending?

THE CHAIRMAN PRO TEMPORE:(6) The Chair will state to the gentleman that

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2. 121 CONG. REC. 30772, 30773, 94th Cong. 1st Sess.
3. H.R. 8630, Postal Reorganization Act Amendments of 1975.
4. Walter Flowers (Ala.).
5. 117 CONG. REC. 39287, 39288, 39290, 92d Cong. 1st Sess. Under consideration was H.R. 7248.
6. Edward P. Boland (Mass.).

an amendment to the title would be in order.

Motion To Strike Precluded

§ 15.21 In response to a parliamentary inquiry, the Chair indicated (1) that the pendency of a perfecting amendment to a title of a bill would preclude the offering of an amendment to strike out the title; but (2) that the motion to strike could be offered following disposition of the perfecting amendment.

On Sept. 9, 1971,(7) the following proceedings took place:

> MR. [WAYNE N.] ASPINALL [of Colorado]: Mr. Chairman, I have the following inquiry of the Chairman: If a member of the committee should offer a perfecting amendment to title III, would that prevent the Member now speaking from offering his amendment to strike?
>
> THE CHAIRMAN:(8) If a perfecting amendment were pending, a motion to strike would not at that time be in order. The gentleman's motion could, however, be made at a subsequent time. . . .
>
> MR. ASPINALL: I understood the Chair to say that after a motion to perfect had been made by a member of the committee, then my motion to strike the section as perfected would be in order. Is that correct?
>
> THE CHAIRMAN: After the perfecting amendment is disposed of the motion to strike would be in order at that time.

Motion To Strike Not in Order as Substitute

§ 15.22 Where a perfecting amendment to a section of a bill was pending in the Committee of the Whole, the Chair indicated that an amendment to strike out that entire section would not be in order as a substitute for the pending amendment.

On Aug. 16, 1972,(9) the following proceedings took place:

> The Clerk read as follows:
>
> > Amendment offered by Mr. [James C.] Wright [Jr., of Texas]: Page 38, strike out lines 23 and 24 and insert in lieu thereof the following: . . .
>
> MR. [MARION G.] SNYDER [of Kentucky]: Mr. Chairman, I should like to ask if an amendment to strike the entire section is in order as a substitute to this kind of amendment.
>
> THE CHAIRMAN:(10) The Chair will advise the gentleman that it is not.

§ 15.23 An amendment proposing to strike out a section is not a proper substitute for a perfecting amendment to that section (to strike out and insert), but

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7. 117 CONG. REC. 31132, 31133, 92d Cong. 1st Sess. Under consideration was H.R. 9727.
8. Otis G. Pike (N.Y.).
9. 118 CONG. REC. 28400, 92d Cong. 2d Sess. Under consideration was H.R. 16071.
10. John Slack (W. Va.).

where no point of order is raised against the substitute, the Chair nevertheless has followed the principle that the pending text should first be perfected before the vote recurs on striking it out.

On July 22, 1976,[11] the Committee of the Whole having under consideration H.R. 13777, the Federal Land Policy and Management Act of 1976, the proceedings described above occurred as indicated below:

Amendment offered by Mr. [Bob] Eckhardt [of Texas]: On page 41, strike line 10 and all that follows through line 7 on page 43. Insert in lieu thereof the following:

Sec. 210(a)(1) The Secretary with respect to the commercial grazing of livestock on the public lands under the Taylor Grazing Act . . . shall charge, commencing with the calendar year 1980, an annual fee or fees per animal unit month for such grazing which shall be the approximate fair market value of the forage provided. . . .

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Yates as a substitute for the amendment offered by Mr. Eckhardt: Page 41, strike out line 10 on page 41 and all lines thereafter on page 41. . . .

THE CHAIRMAN:[12] The amendment offered by the gentleman from Texas (Mr. Eckhardt) is a perfecting amendment to section 210. The "substitute" offered by the gentleman from Illinois (Mr. Yates) is, in effect, a motion to strike the entire section against which no point of order was raised.

The first vote will be on the perfecting amendment offered by the gentleman from Texas (Mr. Eckhardt).

Vote on Motion To Strike

§ 15.24 Whether or not preferential perfecting amendments to the pending text, offered pending a motion to strike that text, are adopted or rejected, a vote still must be taken on the motion to strike (assuming that the perfecting amendments do not change the entire text pending).

On Oct. 3, 1977,[13] during consideration of H.R. 3816,[14] in the Committee of the Whole, a perfecting amendment was offered to a section of a bill while there was pending a motion to strike out that section. The proceedings were as indicated below:

MR. [ROBERT] KRUEGER [of Texas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

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[11] 122 CONG. REC. 23457, 23459, 23460, 94th Cong. 2d Sess.

[12] Robert N. Giaimo (Conn.).

[13] 123 CONG. REC. 32013, 32017, 32019, 32020, 95th Cong. 1st Sess.

[14] A bill to amend the Federal Trade Commission Act.

> Amendment offered by Mr. Krueger: On page 35, strike line 14 and all that follows through line 5 on page 44, and redesignate the following sections accordingly. . . .

Mrs. [Millicent] Fenwick [of New Jersey]: Mr. Chairman, I offer a perfecting amendment.

The clerk read as follows:

> Perfecting amendment offered by Mrs. Fenwick:
>
> Page 37, strike out the period in line 12 and insert in lieu thereof a semicolon and the following: "except that in the case of an action commenced under subparagraph (B) of such subsection, the court may grant such relief only if the plaintiff in such action satisfies the court that the act . . . is one which a reasonable man would have known under the circumstances was . . . fraudulent.". . .

Mr. [Matthew J.] Rinaldo [of New Jersey]: Mr. Chairman, am I correct in my understanding if there were a vote now, the vote would be on the Fenwick amendment and regardless whether it passes or fails, there would still be a vote on the Krueger amendment to strike the entire section?

The Chairman:(15) That is correct. All perfecting amendments will be in order before a vote on the Krueger amendment. The Krueger amendment will still be pending.

Adoption of Perfecting Amendment Coextensive With Motion To Strike

§ 15.25 The motion to strike out and insert takes precedence as a perfecting amendment over a motion to strike out, and if the perfecting amendment is agreed to, and is coextensive with the material proposed to be stricken, the motion to strike out the amended text falls and is not acted on.

On Dec. 17, 1970,(16) during consideration of H.R. 19446, the Emergency School Aid Act of 1970, an amendment was offered by Mrs. Patsy T. Mink, of Hawaii:

The Clerk read as follows:

> Amendment offered by Mrs. Mink: Amend section 3c on page 20 of the bill to read as follows:
>
> "(c) Notwithstanding subsections (a) and (b) of this section and commencing with fiscal year 1972, no funds are authorized to be appropriated to carry out the provisions of this Act where any funds appropriated for the preceding fiscal year for any authorized program administered by the Office of Education are withheld from expenditure by the Department except as allowed by law."

Mr. [William A.] Steiger of Wisconsin: Mr. Chairman, will the gentlewoman yield for a further parliamentary inquiry?

Mrs. Mink: I yield.

Mr. Steiger of Wisconsin: May I inquire of the Chair as to whether or not, if the Mink amendment presently before the committee is adopted an amendment would be in order to strike that section?

The Chairman:(17) The Chair will advise the gentleman that the Mink

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15. Abraham Kazen, Jr. (Tex.).

16. 116 Cong. Rec. 42227, 42230, 91st Cong. 2d Sess.

17. James C. Corman (Calif.).

amendment proposes to strike subsection (c) and insert new language. If that amendment is adopted it would not then be in order to strike subsection (c).

Mrs. Mink: Mr. Chairman, I yield back the remainder of my time.

Mr. Steiger of Wisconsin: Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentlewoman from Hawaii.

The Clerk read as follows:

> Amendment offered by Mr. Steiger of Wisconsin as a substitute for the amendment offered by Mrs. Mink: On page 20, strike out lines 11 through 16.

The Chairman: The Chair would like to state the parliamentary situation before putting the question on the pending amendments.

The amendment offered by the gentlewoman from Hawaii is a motion to strike out the subsection and insert new language. The amendment offered by the gentleman from Wisconsin is a motion to strike out the subsection. The precedents indicate that in this situation the proponents of the subsection should be given a chance to perfect it before the vote is taken on striking it from the bill.

If the Mink amendment is agreed to, the motion to strike out then falls and is not voted on. If the amendment of the gentlewoman from Hawaii is defeated, then the vote will recur on the motion to strike.

Parliamentarian's Note: In this instance, without objection, a motion to strike out was permitted to be offered as a substitute for a motion to strike out and insert, although under the precedents such an amendment is not in order as a substitute. (See Rule XVI clause 7, *House Rules and Manual* § 793 (101st Cong.), stating that a motion to strike out and insert is not divisible.)

Amendments After Vote on Motion To Strike

§ 15.26 Where a motion to strike out is pending, perfecting amendments may be offered, seriatim, and acted on before consideration of the motion to strike; and if the motion to strike out is ultimately defeated, further perfecting amendments to the pending text are yet in order.

On Aug. 3, 1966,(18) the following proceedings took place:

Mr. [William C.] Cramer [of Florida]: Did I understand the Chair to say that all amendments have to be disposed of to this title before the Moore motion to strike is taken up?

The Chairman:(19) As it has been indicated, the title will be open to perfecting amendments before the vote on the motion of the gentleman from West Virginia. . . .

Mr. Cramer: It is my understanding that action could be taken on the Moore amendment to strike and if that

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18. 112 Cong. Rec. 18136, 89th Cong. 2d Sess. Under consideration was H.R. 14765.
19. Richard Bolling (Mo.).

did not prevail, then further amendments to the title would be in order?

THE CHAIRMAN: That is correct.

§ 15.27 While a perfecting amendment has precedence over an amendment to strike out, the rejection of the motion to strike does not preclude perfecting amendments.

On July 26, 1939,(20) the following proceedings took place:

Amendment offered by Mr. [Lindsay C.] Warren [of North Carolina]: On page 266, line 17, strike out "2" and insert "3".

MR. [CARL E.] MAPES [of Michigan]: Mr. Chairman, I make the point of order that this amendment comes too late. Perfecting amendments should be offered before a motion to strike out the section. . . .

THE CHAIRMAN:(1) The Chair is of the opinion that while the gentleman had the privilege of offering this amendment before a vote was taken on the motion to strike, the action taken on the motion to strike does not preclude the offering of a perfecting amendment.

The Chair will read section 7 of rule XVI, as follows:

> A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert.

Amendments to Amendment and to Substitute; Order of Voting

§ 15.28 Perfecting amendments to an amendment are offered and voted on before a perfecting amendment pending to the substitute is voted on; but disposition of the perfecting amendment to the substitute does not preclude the offering of further amendments to the amendment.

On May 15, 1979,(2) the Committee of the Whole having under consideration H.R. 39,(3) the above-stated proposition was illustrated as indicated below:

MR. [JOHN B.] BREAUX [of Louisiana]: I would ask the Chair, is it appropriate now that we consider voting on the Seiberling amendment?

THE CHAIRMAN:(4) The Chair will put the question.

MR. [DON] YOUNG of Alaska: Mr Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. YOUNG of Alaska: There is an additional amendment to the Breaux-Dingell bill by the gentleman from Washington (Mr. Swift). Is that not what is before the House right now?

THE CHAIRMAN: The Chair would make clear that voting on the Seiberling amendment does not preclude further amendments to the Merchant Marine and Fisheries amendment in the nature of a substitute.

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(20) 84 CONG. REC. 10107, 76th Cong. 1st Sess. Under consideration was S. 2009, the Transportation Act of 1939.

(1) Marvin Jones (Tex.).

(2) 125 CONG. REC. 11180, 96th Cong. 1st Sess.

(3) Alaska National Interest Lands Conservation Act of 1979.

(4) Paul Simon (Ill.).

The question is on the amendments en bloc offered by the gentleman from Ohio (Mr. Seiberling) to the substitute offered by the gentleman from Arizona (Mr. Udall).

The amendments to the substitute were agreed to.

§ 15.29 Where there is pending an amendment to the text and a substitute for such amendment, amendments are in order to any part of the amendment and the substitute, and after the amendments are perfected, the substitute is voted on first.

On Feb. 4, 1946,(5) during consideration of a bill relating to the investigation of labor disputes,(6) a motion was made, as follows:

Mr. [Francis H.] Case of South Dakota: Mr. Chairman, I move to strike out all after the enacting clause and insert as a substitute the text of the bill H.R. 5262. . . .

Subsequently, the following proceedings took place:(7)

Mr. [Sherman] Adams [of New Hampshire]: Mr. Chairman, I offer a substitute amendment to the amendment offered by the gentleman from South Dakota [Mr. Case].

The Clerk read as follows:

Amendment offered by Mr. Adams as a substitute for the Case amendment:

"That the Congress hereby declares that the objectives of this act are to avoid and diminish strikes and other forms of industrial strife or unrest, which have the intent or the necessary effect of burdening, or obstructing commerce, and to aid in attaining increased prosperity by achieving the highest degree of production at wages assuring a steadily advancing standard of living, by encouraging the acceptance of collective bargaining and voluntary conciliation, mediation, and arbitration agreements, thereby disposing of controversies between labor and management by peaceful means and discouraging avoidable strife through strikes and lock-outs.

"Sec. 2. When used in this act—

"(1) The term 'commerce' means trade, traffic, commerce, transportation, or communication among the several States. . . .

Mr. [Clare E.] Hoffman [of Michigan]: Are amendments to the substitute also in order at this time?

The Chairman:(8) They are. Amendments to the Case amendment and to the Adams substitute are in order. . . .

Mr. Case of South Dakota: May I ask, so that it will be clear to everybody, that the Chair state the order in which amendments will be voted upon?

The Chairman: Amendments to the Case bill are in order, amendments to the substitute are in order and when those two are perfected, one or the other, the substitute will be voted on first, the Case bill second.

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5. 92 Cong. Rec. 836, 79th Cong. 2d Sess.
6. H.R. 4908.
7. 92 Cong. Rec. 839, 844, 79th Cong. 2d Sess.
8. Emmet O'Neal (Ky.).

§ 15.30 Once a perfecting amendment to an amendment is disposed of, the original amendment, as amended or not, remains open to further perfecting amendment, and all such amendments are disposed of prior to voting on substitutes for the original amendment and amendments thereto.

The proposition stated above was the basis of the following proceedings, which occurred on July 26, 1984,(9) during consideration of H.R. 11(10) in the Committee of the Whole:

The Clerk will report the amendment offered by the gentleman from Indiana (Mr. Coats).

The Clerk read as follows:

> Amendment offered by Mr. Coats: Page 91, after line 14, insert the following new section (and redesignate the succeeding sections accordingly):
>
> VOLUNTARY SCHOOL PRAYER
>
> Sec. 806. Part B of the General Education Provisions Act is amended by inserting after section 420 (20 U.S.C. 1228) the following new section: . . .

Mr. [Steven] Gunderson [of Wisconsin]: Mr. Chairman, I offer an amendment to the amendment.

Mr. [Dan R.] Coats [of Indiana]: Mr. Chairman, I reserve a point of order on the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Gunderson to the amendment offered by Mr. Coats:
>
> In Section 420A of the General Education Provisions Act (as proposed to be added by the amendment of the amendment of the gentleman from Indiana) strike out the first sentence and insert in lieu thereof the following: "No State or local educational agency shall deny individuals in public schools the opportunity to participate in moments of silent prayer.". . .

Mr. [Duncan L.] Hunter [of California]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Hunter as a substitute for the amendment offered by Mr. Coats: In lieu of the matter proposed to be inserted, insert the following:
>
> VOLUNTARY SCHOOL PRAYER
>
> Sec. 806. Part B of the General Education Provisions Act is amended by inserting after section 420 (20 U.S.C. 1228) the following new section: . . .

Mr. [Don] Bonker [of Washington]: Mr. Chairman, we have a fairly complex parliamentary procedure. I wonder if the Chair would explain to the Members the various motions as they would occur.

The Chairman Pro Tempore:(11) The first vote will be on the Gunderson amendment to the amendment of Mr. Coats. If no further amendments are offered to the Coats amendment, then the vote will occur on the substitute amendment offered by the gentle-

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9. 130 Cong. Rec. 21231, 21241, 21242, 21251, 21253, 98th Cong. 2d Sess.
10. The education amendments of 1984.
11. Abraham Kazen, Jr. (Tex.).

man from California (Mr. Hunter) if no amendments are offered to his substitute amendment.

MR. BONKER: As amended?

THE CHAIRMAN PRO TEMPORE: As amended or not.

MR. BONKER: Possibly by Gunderson, if that amendment is adopted?

THE CHAIRMAN PRO TEMPORE: Or possibly by another Member. . . .

MR. [CHARLES E.] SCHUMER [of New York]: Mr. Chairman, I was confused by that explanation; could the Chair go over it once again?

THE CHAIRMAN PRO TEMPORE: . . . The first vote will be on the Gunderson amendment to the Coats amendment. If no other amendments are offered, then the next vote will be on the Hunter amendment, which is a substitute for the Coats amendment. Any amendment to the Hunter substitute would have to be offered before the vote on the Hunter substitute. Then after the Hunter substitute is voted on, the Coats amendment will be voted on.

Point of Order Against Amendment to Substitute Does Not Lie Even Where Identical to Original Amendment

§ 15.31 A point of order against an amendment to a substitute does not lie merely because its adoption would have the same effect as the adoption of a pending amendment to the original amendment and would render the substitute as amended identical to the original amendment as amended.

Where there was pending an amendment to a joint resolution to insert text (A), an amendment to said amendment to insert instead text (B), and a substitute for the amendment to insert text (A) and (B) together, the Chair overruled a point of order against an amendment to the substitute to delete text (A), since there is no precedent which would preclude the offering of an amendment to a substitute merely because it is similar to or achieves the same effect as an amendment to the original amendment. The proceedings of May 4, 1983,(12) were as follows:

MR. [DANIEL E.] LUNGREN [of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Lungren: On page 5 at line 19, insert "(a)" after "2.", and after line 23 add the following:
>
> "(b) Consistent with the treaty-making powers of the President under the Constitution, nothing in this resolution shall be construed to be binding on the President or his negotiators in the formulation of strategy, instructions or positions in the conduct of the strategic arms reduction talks (START).".

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

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12. 129 CONG. REC. 11046, 11052, 11056, 11059, 98th Cong. 1st Sess.

> Amendment offered by Mr. Zablocki to the amendment offered by Mr. Lungren: In the text of the matter proposed to be added to the resolution by the Lungren amendment, strike out all that follows "(b)" through "(START)" and insert in lieu thereof the following:
>
> Nothing in this resolution shall be construed to supersede the treaty-making powers of the President under the Constitution.

The Chairman:[13] The gentleman from Wisconsin (Mr. Zablocki) is recognized for 15 minutes in support of his amendment, for purposes of debate only.

Mr. [James A.] Courter [of New Jersey]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Courter as a substitute for the amendment offered by Mr. Lungren: In lieu of the matter proposed by said amendment, insert the following:
>
> On page 5, line 19, insert "(a)" after "2.", and after line 23 add the following:
>
> "(b) Nothing in this resolution shall be construed to supercede the treaty-making powers of the President under the Constitution, and therefore nothing in this resolution shall be construed to be binding on the President or his negotiators in the formulation of strategy, instructions or positions in the conduct of the Strategic Arms Reductions Talks (START).". . .

Mr. Zablocki: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Zablocki to the amendment offered by Mr. Courter as a substitute for the amendment offered by Mr. Lungren: In proposed new subsection (b), strike out all that follows "Constitution" through "(START)". . . .

Mr. Courter: Mr. Chairman, I have a point of order against the amendment to the substitute.

Mr. Chairman, I have had a chance to look very briefly at the amendment to the substitute and it is simply a restatement of the gentleman's amendment to the amendment and as such is improper at the present time, the purpose of which is dilatory only and the purpose of which is not obviously to legitimately amend a substitute. . . .

Mr. Zablocki: . . . The gentleman from New Jersey marries, so to speak, the two amendments, the amendment of the gentleman from California and the amendment of the gentleman from Wisconsin as a substitute.

All the amendment of the gentleman from Wisconsin does is amend the substitute, divorcing, or at least, deleting the latter part of the gentleman's amendment so that we can have an up and down vote on the two proposals.

And I believe an amendment to a substitute is in order whether it takes away or adds on to the language of a substitute.

The Chairman: The Chair is prepared to rule.

The Chair rules that the amendment offered by the gentleman from Wisconsin (Mr. Zablocki) to the substitute offered by the gentleman from New Jersey, is germane to the substitute. There is no precedent which would preclude the offering of that amendment to the substitute merely because

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13. Matthew F. McHugh (N.Y.).

it is similar or the same in effect as the amendment offered to the original amendment.

Therefore, the point of order is rejected.

Amendments to Original Text While Amendment in Nature of Substitute Pending; Order of Voting

§ 15.32 A perfecting amendment to the first section of a bill may be offered while an amendment in the nature of a substitute for the entire bill is pending.

On Apr. 10, 1962,(14) the following proceedings took place:

The Clerk read as follows:

> Amendment offered by Mr. [Thomas B.] Curtis of Missouri: Page 1, line 1, strike out all after the enacting clause and insert: "That section 204 of the Agricultural Act of 1956 is hereby repealed."

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, if I may submit a parliamentary inquiry, does the Chair wish to dispose of the pending amendment first? I have an amendment to offer.

THE CHAIRMAN:(15) Is the gentleman's amendment a perfecting amendment?

MR. GROSS: No; it is an amendment to the bill.

THE CHAIRMAN: That would be a perfecting amendment, the Chair will state.

[The amendment was offered and rejected.]

§ 15.33 A perfecting amendment to a pending paragraph of an appropriation bill is in order and is not precluded by the intervention of an amendment in the nature of a substitute for the paragraph and several of those following.

On July 29, 1969,(16) the following proceedings took place:

MR. [CHARLES S.] JOELSON [of New Jersey]: Mr. Chairman, I offer an amendment to the paragraph just read which is a simple substitute to several paragraphs of the bill dealing with the Office of Education, and I hereby give notice that after the amendment is agreed to I will make a motion to strike out the paragraphs appearing as follows: . . .

The Clerk read as follows:

> Amendment offered by Mr. Joelson: On page 25 strike out lines 9 through 24 and substitute in lieu thereof the following paragraph: . . .

MR. [ALBERT H.] QUIE [of Minnesota]: Mr. Chairman, the entire substitute, as I understand, is open to amendment at any point, but insofar as the bill is concerned is the paragraph on page 25 which was read by the Clerk also open to amendment?

THE CHAIRMAN:(17) The gentleman is correct.

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14. 108 CONG. REC. 6167-69, 87th Cong. 2d Sess. Under consideration was H.R. 10788.
15. Clark W. Thompson (Tex.).
16. 115 CONG. REC. 21218, 21219, 91st Cong. 1st Sess. Under consideration was H.R. 13111.
17. Chet Holifield (Calif.).

§ 15.34 While there is pending an amendment in the nature of a substitute to a bill, perfecting amendments to the bill may be offered to that portion (usually only the first section) of the text of the bill which has been read and is open to amendment.

On Nov. 24, 1970,[18] the following proceedings took place:

Mr. [William A.] Steiger of Wisconsin: Am I correct in understanding that the unanimous-consent request of the gentleman from Kentucky was to end debate on the amendment in the nature of a substitute, H.R. 19200, and any amendments thereto at 2:15 p.m.?

Mr. [Carl D.] Perkins [of Kentucky]: That is correct, only on the substitute. We hope that the committee bill will prevail, and that we will then proceed to the amendment process on the committee bill. . . .

Mr. Gerald R. Ford [of Michigan]: As I understand the rule and the procedure, amendments can be offered to the committee bill at the present time; is that correct? . . .

The Chairman:[19] Amendments may be offered to the substitute until 2:15. All debate on the substitute and any amendments to the substitute will be terminated at that time. . . .

Mr. Gerald R. Ford: Mr. Chairman, may I more specifically define my parliamentary inquiry: Is the Chair ruling that there can be no amendments offered between now and 2:15 to the committee bill?

The Chairman: Only to that portion of the committee bill which has been read.

§ 15.35 Where a perfecting amendment to the first section of a bill is offered and rejected, a second perfecting amendment may be offered prior to the vote on a pending amendment in the nature of a substitute for the entire bill.

On Apr. 10, 1962,[20] the following proceedings took place:

The Clerk read as follows:

> Amendment offered by Mr. [Thomas B.] Curtis of Missouri: Page 1, line 1, strike out all after the enacting clause and insert: "That section 204 of the Agricultural Act of 1956 is hereby repealed.". . .

Mr. [H. R.] Gross [of Iowa]: . . . I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Gross: On page 1, line 12, strike out the period and quotation marks and insert a colon and add the following: . . .

The question was taken; and on a division (demanded by Mr. Gross) there were—ayes 46, noes 76.

So the amendment was rejected.

Mr. [Paul] Findley [of Illinois]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

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[18] 116 Cong. Rec. 38704, 38705, 91st Cong. 2d Sess. Under consideration was H.R. 16785.

[19] James C. Corman (Calif.).

[20] 108 Cong. Rec. 6167-69, 87th Cong. 2d Sess. Under consideration was H.R. 10788.

Amendment offered by Mr. Findley: On page 1, line 12, after the word "agreement" strike out the period and insert a colon and the following: . . .

The amendment was rejected.

THE CHAIRMAN:[1] The question is on the amendment offered by the gentleman from Missouri [Mr. Curtis].

The amendment was rejected.

§ 15.36 Where there is pending an amendment in the nature of a substitute and a substitute therefor, it is in order to offer a perfecting amendment to the pending portion of original text, and the perfecting amendment is first voted upon.

On May 1, 1975,[2] the Committee of the Whole having under consideration House Concurrent Resolution 218,[3] the proceedings described above were as follows:

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. O'Neill:
>
> Strike out all after the resolving clause and insert in lieu thereof the following:
>
> "That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on July 1, 1975—
>
> "(1) the recommended level of Federal revenues is $295,181,000,000. . . .

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Chairman, I offer an amendment as a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment offered by Mr. Latta as a substitute for the amendment in the nature of a substitute offered by Mr. O'Neill: Strike out all after the resolving clause in House Concurrent Resolution 218 and insert in lieu thereof the following:
>
> "That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on July 1, 1975—
>
> "(1) the recommended level of Federal revenues is $296,400,000,000. . . .

MR. [PHIL M.] LANDRUM [of Georgia]: Mr. Chairman, I offer a series of amendments.

The Clerk read as follows:

> Amendments offered by Mr. Landrum: Page 1, line 11, strike out "$395,600,000,000" and insert in lieu thereof "$387,486,000,000".
>
> Page 2 line 2, strike out "$368,200,000,000" and insert in lieu thereof "$361,012,000,000". . . .

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, I have a point of order.

THE CHAIRMAN:[4] The gentleman will state it.

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[1] Clark W. Thompson (Tex.).

[2] 121 CONG. REC. 12765, 12771, 12776, 94th Cong. 1st Sess.

[3] Setting forth the congressional budget on an aggregate basis for fiscal 1976.

[4] Richard Bolling (Mo.).

MR. ROUSSELOT: Is this an amendment to the substitute offered by the gentleman from Ohio (Mr. Latta)?

THE CHAIRMAN: The Chair understands that it is perfecting amendment to the original resolution.

MR. ROUSSELOT: Is it in order, then, at this time?

THE CHAIRMAN: It is, the Chair will state.

After further proceedings, the following exchange occurred:

MR. [BROCK] ADAMS [of Washington]: . . . It is my understanding that there is presently pending the O'Neill amendment in the nature of a substitute to the original text, a Latta substitute to the O'Neill amendment, a perfecting amendment by Mr. Reuss to the O'Neill amendment, a perfecting amendment by Mr. Rousselot to the Latta substitute, and an amendment to the original text by Mr. Landrum.

I intend to oppose the Landrum amendment, the Latta substitute, and the Rousselot amendment, and I would like to know which one will be first voted on by the body, so that I can address myself to that one.

THE CHAIRMAN: The Chair will respond to the gentleman from Washington (Mr. Adams) that the first vote will occur on the Landrum perfecting amendment to the concurrent resolution.

§ 15.37 While an amendment in the nature of a substitute is pending to a proposition which is open to amendment at any point, a perfecting amendment to the original text may be offered, and a perfecting amendment to the amendment in the nature of a substitute may be offered; but the perfecting amendment to the original text is voted on first.

An example of the situation described above occurred on May 3, 1979,(5) during consideration of House Concurrent Resolution 107(6) in the Committee of the Whole. The proceedings were as follows:

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Rousselot: Strike all after the resolving clause and insert in lieu thereof the following:
>
> That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1979—
>
> (1) the recommended level of Federal revenues is $515,000,000,000, and the amount by which the aggregate level of Federal revenues should be decreased is $10,000,000,000. . . .

MR. [CHALMERS P.] WYLIE [of Ohio]: Mr. Chairman, I offer a perfecting amendment to the text of the concurrent resolution (H. Con. Res. 107).

The Clerk read as follows:

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5. 125 CONG. REC. 9654, 9660, 96th Cong. 1st Sess.
6. The first concurrent resolution on the Budget, fiscal 1980.

> Perfecting amendment offered by Mr. Wylie: Strike out sections 1 through 5 and insert in lieu thereof the following:
>
> That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1979. . . .

MR. [CHARLES E.] GRASSLEY [of Iowa]: Mr. Chairman, I offer a perfecting amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

> Perfecting amendment offered by Mr. Grassley to the amendment in the nature of a substitute offered by Mr. Rousselot:
>
> In the matter relating to the appropriate level of total new budget authority reduce the amount by $1,100,000,000. . . .

MR. WYLIE: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[7] The gentleman from Ohio will state his parliamentary inquiry.

MR. WYLIE: The gentleman from Iowa (Mr. Grassley) is offering an amendment to the amendment in the nature of a substitute offered by the gentleman from California (Mr. Rousselot) as I understand it.

THE CHAIRMAN: The gentleman is correct.

MR. WYLIE: That would be voted on before my perfecting amendment?

THE CHAIRMAN: No. The perfecting amendment offered by the gentleman from Ohio (Mr. Wylie) to the concurrent resolution would be voted on first.

MR. WYLIE: That was my understanding Mr. Chairman. My amendment includes the amendment offered by the gentleman from Iowa (Mr. Grassley).

MR. GRASSLEY: Mr. Chairman, I am offering the perfecting amendment to the amendment in the nature of a substitute offered by the gentleman from California (Mr. Rousselot).

THE CHAIRMAN: The gentleman from Ohio (Mr. Grassley) is offering the perfecting amendment to the amendment in the nature of a substitute offered by the gentleman from California (Mr. Rousselot). The perfecting amendment to the main resolution offered by the gentleman from Ohio would be voted on first.

§ 15.38 Pending the vote on a perfecting amendment to an amendment in the nature of a substitute (to a proposition open for amendment at any point), a perfecting amendment to the original text may be offered and must be voted on first.

On May 3, 1979,[8] during consideration of House Concurrent Resolution 107[9] in the Committee of the Whole, the proceedings described above occurred as follows:

MR. [STEPHEN J.] SOLARZ [of New York]: Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment in the nature of a substitute offered by the gentleman from California (Mr. Rousselot).

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[7] William H. Natcher (Ky.).

[8] 125 CONG. REC. 9664, 96th Cong. 1st Sess.

[9] The first concurrent resolution on the Budget, fiscal 1980.

Mr. Solarz: Mr. Chairman, I have a parliamentary inquiry.

The Chairman:(10) The gentleman will state his parliamentary inquiry.

Mr. Solarz: Mr. Chairman, if I were to withdraw my request to speak at this particular time on the Rousselot amendment in the nature of a substitute, would a vote then be in order on the Grassley amendment to the Rousselot amendment in the nature of a substitute?

The Chairman: The gentleman is correct.

Mr. [Gerald B.] Solomon [of New York]: Mr. Chairman, I have an amendment at the desk which I think would precede the vote on the Rousselot amendment in the nature of a substitute.

The Chairman: Is the gentleman's amendment a perfecting amendment to the resolution?

Mr. Solomon: To the basic resolution, yes, Mr. Chairman.

The Chairman: The Clerk will report the amendment.

Mr. Solomon: Mr. Chairman, I offer a perfecting amendment.

The Clerk read the perfecting amendment offered by Mr. Solomon and, following brief debate, the Chair put the question thereon.

§ 15.39 During consideration of a bill pursuant to a special rule permitting the majority and minority leaders to offer amendments not printed in the Record but permitting all other Members to offer only amendments to the bill which have been printed in the Record, the majority leader was allowed to offer an amendment in the nature of a substitute not printed in the Record, but while the substitute was pending, another Member was permitted to offer to the bill a perfecting amendment printed in the Record.

During the proceedings of July 28, 1983,(11) in the Committee of the Whole, it was demonstrated that, pending an amendment in the nature of a substitute for an entire bill, perfecting amendments to the pending portion of the bill could still be offered.

Mr. [James C.] Wright [Jr., of Texas]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Wright: Strike out all after the enacting clause and insert in lieu thereof the following:
>
> That the Intelligence Authorization Act for Fiscal Year 1983 is amended by adding at the end thereof the following new title. . . .

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(10) William H. Natcher (Ky.).

(11) 129 Cong. Rec. 21468–70, 98th Cong. 1st Sess.

Mr. [Henry J.] Hyde [of Illinois]: I have an amendment that was printed in the Record. Will I be given an opportunity to offer it?

The Chairman:(12) The Chair will advise the gentleman that a printed perfecting amendment to the bill can be offered before the vote on the Wright amendment in the nature of a substitute.

Bill Consisting of One Section

§ 15.40 An amendment in the nature of a substitute is ordinarily offered after the reading of the first section of a bill being read by sections, prior to committee amendments adding new sections; however, where a bill consists of one section and is therefore open to amendment at any point when read, committee amendments adding new sections are considered perfecting amendments and are disposed of prior to the offering of amendments in the nature of a substitute.

On Nov. 7, 1975,(13) the Committee of the Whole having under consideration H.R. 6346,(14) the Chair ruled as described above. The proceedings were as follows:

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (a) of section 503 of the Rural Development Act of 1972 (7 U.S.C. 2663(a)) is amended by striking the word "and", and changing the period at the end thereof to a comma, and adding the following: "not to exceed $5,000,000 for the period July 1, 1976, through September 30, 1976, and not to exceed $20,000,000 for each fiscal year thereafter.

Mr. [Charles] Rose [of North Carolina] (during the reading): Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The Chairman:(15) Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. [Keith G.] Sebelius [of Kansas]: Mr. Chairman, I have an amendment in the nature of a substitute at the desk.

The Chairman: First we will have the Clerk report the committee amendments.

COMMITTEE AMENDMENTS

The Chairman: The Clerk will report the first committee amendment.

The Clerk read as follows:

> Committee amendment: Page 1, line 8, strike the word "each" and insert in lieu thereof the word "the", and in line 9, strike the word "thereafter" and insert in lieu thereof the words "ending September 30, 1977".

The committee amendment was agreed to.

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12. William H. Natcher (Ky.).
13. 121 Cong. Rec. 35525, 35526, 94th Cong. 1st Sess.
14. Rural Development Act amendments.
15. Tom Bevill (Ala.).

THE CHAIRMAN: The Clerk will report the next committee amendment. . . .

MR. SEBELIUS: Mr. Chairman, I make a point of order that I have an amendment in the nature of a substitute at the desk, and that that takes precedence at this time over the committee amendments.

THE CHAIRMAN: The Chair rules that the bill, consisting of one section, has been read and that the committee amendments are perfecting amendments and, therefore, take precedence over any amendment in the nature of a substitute.

Parliamentarian's Note: With a bill consisting of several sections, an amendment in the nature of a substitute should be offered after the reading of the first section and following disposition of perfecting amendments to the first section; but if a committee amendment adding a new section two were permitted to be considered first in that context, its adoption would preclude offering an amendment in the nature of a substitute until the end of the bill (since the first section of the bill would no longer be subject to amendment, a new section having been inserted).

§ 16. Motions To Strike Out and Insert

A motion to strike out and insert is usually a perfecting amendment.(16) As a perfecting amendment, it takes precedence over a pending motion to strike out; it may be offered while the motion to strike out is pending and is first acted upon. Furthermore, if a motion to strike out an entire paragraph and insert new language is agreed to, a pending amendment proposing to strike out the paragraph falls and is not voted upon(17) under the theory that the House cannot change the precise text inserted by amendment.

A rule(18) provides that, "a motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert." The indivisibility of a motion to strike out and insert and the principle that a motion to strike out should not have precedence (should not be voted on first) over a motion to insert, underlie the well-established rule that a motion to strike out is not in order as a substitute for a pending motion to strike out and insert.(19) Of course, a motion

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16. See § 16.1, infra.
17. See § 31.11, infra.
18. Rule XVI clause 7, *House Rules and Manual* § 793 (101st Cong.).
19. See § 17.18, infra.

to strike out a section may be offered if a pending amendment to strike out the section and insert new language is rejected.(20)

While it is not in order to strike out an amendment already agreed to, it is in order to strike out a larger portion of the paragraph which includes the amendment and insert a new paragraph of different meaning.(1)

Similarly, it is in order to propose as a substitute for a section, by way of a motion to strike out and insert, an amendment inserting the same section with modifications and omitting amendments to the section previously agreed to.(2)

Perfecting Amendment

§ 16.1 An amendment to strike out and insert is a perfecting amendment.

On July 7, 1949,(3) the following proceedings took place:

MR. [JOHN A.] CARROLL [of Colorado]: Do I understand the parliamentary situation is that the committee has offered an amendment striking out certain words which are contained in the parentheses?

THE CHAIRMAN:(4) Yes.

MR. CARROLL: Mr. Chairman, I offer a perfecting amendment to strike out those words and insert other words to be contained in that parenthetical expression. . . .

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, I make the point of order that it is a substitute amendment and not a perfecting amendment.

THE CHAIRMAN: The Chair holds that this is a perfecting amendment to the text and is in order at this time.

Perfecting a Substitute

§ 16.2 A substitute may be amended by a motion to strike out all after the first clause and insert new text. Such a motion is properly classed as an amendment to the substitute and not a substitute.

On Mar. 22, 1960,(5) the following proceedings took place:

The Clerk read as follows:

> Amendment offered by Mr. [George] Meader [of Michigan] to the amendment offered by Mr. Celler as a substitute for the amendment offered by Mr. McCulloch: On page 1 of the Celler substitute strike out

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20. See § 17.11, infra.
1. See § 30.5, infra.
2. 81 CONG. REC. 4805, 75th Cong. 1st Sess., May 19, 1937.
3. 95 CONG. REC. 9064, 81st Cong. 1st Sess. Under consideration was S. 1008, to confine the application of the Federal Trade Commission Act and the Clayton Act to certain pricing practices.
4. George H. Mahon (Tex.).
5. 106 CONG. REC. 6288, 86th Cong. 2d Sess. Under consideration was H.R. 8601.

"(a) Add the following as subsection (e)" and all that follows down through the last page of the McCulloch substitute, and insert in lieu thereof the following: . . .

MR. [EMANUEL] CELLER [of New York]: The amendment offered by the gentleman from Michigan is a substitute to the Celler amendment. So we have a substitute to a substitute to the McCulloch amendment. Therefore, I make the point of order that the amendment is not in order because it is a substitute.

THE CHAIRMAN:(6) The Chair is ready to rule. The amendment offered by the gentleman from Michigan strikes only a part of the substitute offered by the gentleman from New York as a substitute to the amendment offered by the gentleman from Ohio [Mr. McCulloch]. This is clearly in order.

Precedence Over Motion To Strike Out

§ 16.3 A perfecting amendment, in the form of a motion to strike out and insert, offered to the text of a bill, is in order and takes precedence over a pending motion to strike out the text, and is first acted upon.

On Feb. 7, 1964,(7) during consideration of the Civil Rights Act of 1963 (H.R. 7152), a motion to strike a portion of text was offered by Mr. Basil L. Whitener, of North Carolina:

The Clerk read as follows:

Amendment offered by Mr. Whitener: Strike out all language commencing with line 1 on page 62 through and including line 15 on page 63, said language being that included under title VI.

(Mr. Whitener asked and was given permission to proceed for 10 additional minutes.)

Subsequently,(8) a perfecting amendment was offered by Mr. Oren Harris, of Arkansas:

The Clerk read as follows:

Amendment offered by Mr. Harris: On page 62, line 3, after "Sec. 601" strike out all language through and including line 15 on page 63 and insert the following:

"Notwithstanding any provision to the contrary in any law of the United States providing or authorizing direct or indirect financial assistance for or in connection with any program or activity by way of grant, contract, loan, insurance, guaranty, or otherwise, no such law shall be interpreted as requiring that such financial assistance shall be furnished in circumstances under which individuals participating in or benefiting from the program or activity are discriminated against on the ground of race, color, religion or national origin or are denied participation or benefits therein on the ground of race, color, religion, or national origin. All contracts made in connection with any such program or activity shall contain such provisions as the President may prescribe for the purpose of assuring that there shall be no discrimination in employment by any contractor or subcontractor on the ground of race, color, religion, or national origin."

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6. Francis E. Walter (Pa.).
7. 110 CONG. REC. 2462, 88th Cong. 2d Sess.
8. *Id.* at pp. 2488, 2489.

A point of order was made against the amendment:(9)

Mr. [Emanuel] Celler [of New York]: Mr. Chairman, I make a point of order that the amendment offered by the gentleman from Arkansas is not a perfecting amendment but is an amendment in the nature of a substitute, and therefore is out of order as a substitute to the amendment of the gentleman from North Carolina, which would strike out the entire title.

The Chairman [Mr. Eugene J. Keogh of New York]: The Chair points out to the gentleman from New York that the amendment offered by the gentleman from Arkansas undertakes to strike out part of the language contained in title VI and to insert new language; and that therefore it is in fact a perfecting amendment. The point of order is overruled and the gentleman from Arkansas is recognized.

The Harris amendment was subsequently voted on and rejected,(10) after which a perfecting amendment was offered by Mr. George Meader, of Michigan, and subsequently rejected.(11) The Chair then stated that the question recurred on the Whitener motion to strike out the title. The Whitener amendment was rejected.(12)

—Effect of Agreeing to Perfecting Amendment

§ 16.4 The motion to strike out and insert takes precedence as a perfecting amendment over a motion to strike out, and if the perfecting amendment is agreed to, and is coextensive with the motion to strike, the motion to strike out the amended text fails and is not acted on.

On Dec. 17, 1970,(13) the following proceedings took place:

The Clerk read as follows:

> Amendment offered by Mrs. [Patsy T.] Mink [of Hawaii]: Amend section 3c on page 20 of the bill to read as follows:
>
> "(c) Notwithstanding subsections (a) and (b). . . ."

The Clerk read as follows:

> Amendment offered by Mr. [William A.] Steiger of Wisconsin as a substitute for the amendment offered by Mrs. Mink: On page 20, strike out lines 11 through 16. . . .

The Chairman:(14) . . . The amendment offered by the gentlewoman from Hawaii is a motion to strike out the subsection and insert new language. The amendment offered by the gentleman from Wisconsin is a motion to strike out the subsection. The precedents indicate that in this situation the proponents of the subsection should be given a chance to perfect it before the vote is taken on striking it from the bill.

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(9) *Id.* at p. 2489.

(10) *Id.* at p. 2492.

(11) *Id.* at p. 2497.

(12) *Id.* at p. 2498.

(13) 116 Cong. Rec. 42227, 42230, 91st Cong. 2d Sess. Under consideration was H.R. 19446.

(14) James C. Corman (Calif.).

If the Mink amendment is agreed to, the motion to strike out then fails and is not voted on. If the amendment of the gentlewoman from Hawaii is defeated, then the vote will recur on the motion to strike.

Parliamentarian's Note: The Steiger amendment was not a proper substitute for the Mink amendment, but when no point of order was raised, the Chair properly treated the Steiger amendment as a perfecting amendment to the text and put the question first thereon.

§ 16.5 Where there is pending a motion to strike out language in a bill and a preferential perfecting amendment (to strike the same language and insert new language) is then offered and agreed to, the motion to strike out falls and is not voted on.

The principle stated above was the basis for the following proceedings which occurred on Aug. 5, 1986,(15) during consideration of H.R. 4428 in the Committee of the Whole:

Mr. [Samuel S.] Stratton [of New York]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Stratton to the amendment offered by Mr. Nichols: Strike out section 101(c) (page 14, lines 4 through 12). . . .

Mr. [Ike] Skelton [of Missouri]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

> Perfecting amendment offered by Mr. Skelton to the amendment offered by Mr. Nichols: Page 14, strike out lines 4 through 12 and insert in lieu thereof the following:
>
> (c)(1) Notwithstanding any other provision of law, the President and the Secretary of Defense may assign missions, roles, and functions to the military departments . . . and other elements of the Department of Defense. . . .

The Chairman Pro Tempore:(16) Does any Member rise in opposition to the perfecting amendment offered by the gentleman from Missouri?

If not, the question is on the perfecting amendment offered by the gentleman from Missouri (Mr. Skelton) to the amendment offered by the gentleman from Alabama (Mr. Nichols).

The perfecting amendment to the amendment was agreed to.

The Chairman Pro Tempore: The Stratton amendment to strike will not be voted on, under the precedents, the text proposed to be stricken having been completely amended.

§ 16.6 A perfecting amendment may be offered while a motion to strike out is pending, and if the perfecting amendment changes all the words proposed to be stricken out, the motion

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15. 132 Cong. Rec. 19056, 19058, 19059, 99th Cong. 2d Sess.

16. Kenneth J. Gray (Ill.).

to strike necessarily falls and is not voted on.

On Apr. 9, 1979,(17) the Committee of the Whole having under consideration H.R. 3324,(18) the above-stated proposition was illustrated as indicated below:

Mr. [Thomas B.] Evans [Jr.] of Delaware: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Evans of Delaware: Page 22, strike out all of lines 13 through 20 and renumber each succeeding paragraph accordingly. . . .

Mr. [Clement J.] Zablocki [of Wisconsin]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

> Perfecting amendment offered by Mr. Zablocki: Page 22, strike out lines 13 through 20 and insert:
>
> "(2) It is the sense of Congress that funds made available under this chapter for countries in the Middle East are designed to promote progress toward a comprehensive peace settlement in the Middle East and that Syria and Jordan, to continue to receive funds under this chapter, should act in good faith to achieve further progress toward a comprehensive peace settlement and that the expenditure of the funds will serve the process of peace in the Middle East. . . .

The Chairman:(19) The question is on the perfecting amendment offered by the gentleman from Wisconsin (Mr. Zablocki).

The perfecting amendment was agreed to.

The Chairman: The amendment offered by the gentleman from Delaware (Mr. Evans) will not be voted upon, because it is in the nature of a motion to strike.

§ 16.7 A motion to strike out and insert language may be offered as a perfecting amendment to a pending section of a bill, and is voted on before a pending motion to strike that section; but, even if agreed to, the perfected language is subject to being eliminated by subsequent adoption of the motion to strike out in cases where the perfecting amendment has not so changed the text as to render the original motion to strike meaningless. Thus, agreement to a perfecting amendment reducing the amount of an authorization does not foreclose a vote on a pending motion to strike the authorization altogether.

On July 16, 1981,(20) during consideration of H.R. 3519(1) in the

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17. 125 Cong. Rec. 7753, 7755, 96th Cong. 1st Sess.
18. The International Development Cooperation Act of 1979.
19. Elliott H. Levitas (Ga.).
20. 127 Cong. Rec. 16057–59, 97th Cong. 1st Sess.
1. The Department of Defense Authorization for fiscal year 1982.

Committee of the Whole, an amendment was offered striking an amount authorized for assistance in staging a bicentennial celebration of the Battle of Yorktown. A subsequent amendment to the bill proposed to reduce the amount authorized.

Amendment offered by Mr. [Harold L.] Volkmer [of Missouri]: On page 59, strike lines 20 through 24 and on page 60, strike lines 1 through 17.

Mr. Volkmer: Mr. Chairman, as I reviewed this bill last week and came to the very end of it, the last bit of it, I find herein an assistance to the Yorktown Bicentennial Celebration which will take place on or about October 19, for the 200-year celebration of the Battle of Yorktown. . . .

Mr. [Peter A.] Peyser [of New York]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

> Perfecting amendment offered by Mr. Peyser: Page 60, line 13, strike out "$1,000,000" and insert in lieu thereof "$750,000". . . .

The Chairman:[2] The question is on the perfecting amendment offered by the gentleman from New York (Mr. Peyser).

The perfecting amendment was agreed to.

The Chairman: The question is on the amendment offered by the gentleman from Missouri (Mr. Volkmer).

The question was taken; and the Chairman announced that the noes appeared to have it. . . .

Mr. [Abraham] Kazen [Jr., of Texas]: Mr. Chairman, the committee has had an amendment before it offered by the gentleman from Missouri (Mr. Volkmer).

The Chairman: The gentleman is correct.

Mr. Kazen: Then, Mr. Chairman, there was another amendment offered by the gentleman from New York (Mr. Peyser). Was that amendment a substitute amendment?

The Chairman: It was a perfecting amendment to the bill. It was not an amendment to the amendment. A motion to strike cannot be amended by a substitute. . . .

The Peyser amendment was agreed to. The net effect is that there is $750,000 that is approved for the Yorktown celebration.

Mr. Kazen: I thank the Chair.

The Chairman: For what reason does the gentleman from Pennsylvania (Mr. Ertel) seek recognition?

Mr. [Allen E.] Ertel: Mr. Chairman, I have a parliamentary inquiry.

Mr. Chairman, I was on my feet at the time we voted on the Volkmer amendment. Have we voted for the Volkmer amendment at this time to eliminate the funds for the Yorktown exposition altogether?

The Chairman: No; the Chair will state that we are in the situation where the committee adopted the Peyser amendment authorizing $750,000, and then rejected the Volkmer motion to strike on a voice vote.

Mr. Ertel: Mr. Chairman, what is the effect of the Volkmer amendment at this point?

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[2] Paul Simon (Ill.).

The Chairman: There was no request for a recorded vote.

For what reason does the gentleman from Missouri (Mr. Volkmer) rise?

Mr. Volkmer: Mr. Chairman, I have a parliamentary inquiry.

My parliamentary inquiry is this: Has the Chair announced the result of the vote on the motion to strike, which was my amendment?

The Chairman: Yes.

Mr. Ertel: Mr. Chairman, I have a parliamentary inquiry.

Mr. Chairman, I would ask for a division on the Volkmer amendment at this point. I was on my feet at the time the vote was announced.

The Chairman: The Chair did not see the gentleman, but the Chair will take the gentleman's word that he was seeking recognition before the voice vote was finally announced.

Mr. Peyser: Mr. Chairman, I have a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Peyser: Mr. Chairman, I want to be sure that I understand what the situation is on the voting right now. The perfecting amendment that I offered, as I understand it, was accepted and passed?

The Chairman: The gentleman is correct.

Mr. Peyser: So, Mr. Chairman, now if we vote for the Volkmer amendment, what are we then accomplishing? Are we then supporting the moneys in the amount of $750,000 for the celebration, or are we knocking out everything?

The Chairman: The Chair will state that the perfected section would be stricken.

Mr. Peyser: So if we support the Volkmer amendment, everything is out and if we vote no, the $750,000 is in, is that correct?

The Chairman: The gentleman is correct.

Mr. Peyser: I thank the Chair.

The Chairman: A division has been requested on the Volkmer amendment.

Mr. Stratton: I have a parliamentary inquiry, Mr. Chairman.

The Chairman: The gentleman will state it.

Mr. Stratton: Mr. Chairman, I have a copy of the Peyser amendment. It is an amendment to H.R. 3519, and it says:

> On page 60, line 13, strike out "$1,000,000" and insert in lieu thereof "$750,000."

So the Peyser amendment is an amendment to the bill and not a perfecting amendment to the Volkmer amendment?

The Chairman: It is a perfecting amendment to the bill. That was the statement of the Chair.

Mr. Stratton: And it was accepted; was it not?

The Chairman: That amendment was accepted. But if the Volkmer amendment by a vote on division should be approved, then that would be eliminated. Everything would be eliminated.

A division has been demanded on the Volkmer amendment.

On a division (demanded by Mr. Ertel) there were—ayes 33, noes 60.

So the amendment was rejected.

§ 16.8 While a committee amendment striking out a subsection is pending, another amendment

perfecting the text by striking and inserting a new subsection may be offered and is voted on first, and if agreed to, the amendment striking the subsection falls and is not voted on, as the subsection has been amended in its entirety.

An example of the proposition described above occurred on Nov. 3, 1983,(3) during consideration of H.R. 2867, the Hazardous Waste Control and Enforcement Act of 1983. The proceedings in the Committee of the Whole were as follows:

JUDICIARY COMMITTEE AMENDMENTS

The Clerk will report the second committee amendment recommended by the Committee on the Judiciary.

The Clerk read as follows:

> Judiciary Committee amendment: Page 33, strike out line 1 and all that follows through line 12, page 34.

MR. [WILLIAM J.] HUGHES [of New York]: Mr. Chairman, I move to strike the last word. . . .

PERFECTING AMENDMENT TO THE JUDICIARY COMMITTEE AMENDMENT OFFERED BY MR. HUGHES

MR. HUGHES: Mr. Chairman, I offer a perfecting amendment. . . .

The Clerk read as follows:

> . . . amendment offered by Mr. Hughes: Page 33, strike out 1 and all that follows down through line 12 on page 34 and substitute:
>
> (e) LAW ENFORCEMENT AUTHORITY.—(3) The Attorney General shall, at the request of the Administrator [and on the basis of a showing of need,] deputize qualified employees of the Environmental Protection Agency to serve as Special Deputy United States Marshals in criminal investigations with respect to violations of the criminal provisions of this Act. . . .

THE CHAIRMAN:(4) The question is on the perfecting amendment to the Judiciary Committee amendment offered by Mr. Hughes. . . .

So the perfecting amendment . . . was agreed to.

The result of the vote was announced as above recorded.

THE CHAIRMAN: Under the rule, the Judiciary Committee amendment to strike subsection 11(e) falls and is not voted on, since the subsection has been amended in its entirety.

Motion as Perfecting Amendment to Text, Not Substitute for Motion To Strike

§ 16.9 A motion to strike out and insert is not in order as a substitute for a simple motion to strike out.

On May 9, 1968,(5) the following proceedings took place:

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3. 129 CONG. REC. 30805, 30816, 30818, 30819, 98th Cong. 1st Sess.

4. Doug Barnard, Jr. (Ga.).

5. 114 CONG. REC. 12606, 12608, 90th Cong. 2d Sess. Under consideration was H.R. 15951, providing for uniform annual observances of certain legal holidays on Mondays.

The Clerk read as follows:

> Amendment offered by Mr. [Basil L.] Whitener [of North Carolina]: On page 1, line 10, strike out "Memorial Day, the last Monday in May.". . .

Mr. [John H.] Kyl [of Iowa]: Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

> Amendment offered by Mr. Kyl as a substitute for the amendment offered by Mr. Whitener: On page 1, line 10, after the comma, strike the remainder of the sentence and insert "May 30.". . .

Mr. [Byron G.] Rogers of Colorado: Mr. Chairman, this constitutes an amendment to the Whitener amendment, and the Whitener amendment is to strike the whole line. Therefore you cannot offer a substitute when you change it in the manner in which the gentleman does.

The Chairman:(6) The gentleman from Colorado makes the point of order that the amendment offered by the gentleman from North Carolina is to strike out. The Chair feels that the proposed substitute of the gentleman from Iowa to the motion to strike out offered by the gentleman from North Carolina is not in order as a proper substitute.(7)

§ 16.10 When a motion to strike out one title of a bill being read by titles is pending, a motion to strike out and insert may not be offered as a substitute for the pending motion, but may be offered as a perfecting amendment to the title.

On Feb. 7, 1964,(8) the following proceedings took place:

The Clerk read as follows:

> Amendment offered by Mr. [Basil L.] Whitener [of North Carolina]: Strike out all language commencing with line 1 on page 62 through and including line 5 on page 63, said language being that included under title VI. . . .

Mr. [Oren] Harris [of Arkansas]: Mr. Chairman, I offer a perfecting amendment.

Mr. [George] Meader [of Michigan]: Mr. Chairman, a parliamentary inquiry.

The Chairman:(9) The gentleman will state it.

Mr. Meader: Is it in order to offer an amendment in the nature of a substitute to the motion by the gentleman from North Carolina [Mr. Whitener] to strike title VI?

The Chairman: The answer is "No". . . .

The gentleman from Arkansas [Mr. Harris] has offered a perfecting amendment, which is in order at this time. . . .

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6. Robert N. Giaimo (Conn.).
7. The motion to strike out and insert could, however, be offered as a perfecting amendment to the text of the bill (see § 16.10, infra), and in that case would take precedence over the motion to strike out the text and be first acted upon (see § 16.3, supra).
8. 110 Cong. Rec. 2462, 2488, 88th Cong. 2d Sess. Under consideration was H.R. 7152.
9. Eugene J. Keogh (N.Y.).

Amendment offered by Mr. Harris: On page 62, line 3, after "Sec. 601" strike out all language through and including line 15 on page 63 and insert the following: . . .

Motion To Strike Out and Insert as Indivisible

§ 16.11 A motion to strike out and insert is indivisible.

On Oct. 19, 1945,(10) the following exchange took place:

MR. [MALCOLM C.] TARVER [of Georgia]: Mr. Chairman, I ask for a division of the question. The amendment is to strike out and insert and I ask that the question be divided so that the Committee may first vote on the part of the amendment which provides for striking out the language included in the bill.

THE CHAIRMAN:(11) As the Chair recalls the rule, a motion to strike out is not divisible. Clause 7 of the rule XVI reads as follows:

> A motion to strike out and insert is indivisible.

Defeat of Motion To Strike

§ 16.12 Defeat of a motion to strike out a paragraph does not preclude amendments nor motions to strike out and insert.

On May 19, 1937,(12) the following exchange took place:

MR. [JOHN] TABER [of New York]: This is a perfecting amendment, and the committee having voted on a motion to strike out the paragraph, a perfecting amendment is not in order.

THE CHAIRMAN:(13) The Chair invites attention to clause 7 of rule 16, which provides as follows:

> A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert.

On the basis of the rule just quoted, the point of order is overruled.

§ 16.13 An amendment proposing to strike out a section of a bill having been defeated, the proponent of such amendment may offer an amendment to strike out the section and insert new language.

On June 6, 1944,(14) the following proceedings took place:

Amendment offered by Mr. [Francis E.] Walter [of Pennsylvania]: Beginning on page 2, line 6, strike out section 2 and insert. . . .

MR. [DEWEY] SHORT [of Missouri]: Mr. Chairman, I make the point of order against the amendment that it

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10. 91 CONG. REC. 9859, 79th Cong. 1st Sess. Under consideration was H.R. 4407, reducing certain appropriations and contract authorizations available for fiscal year 1946.
11. Fritz G. Lanham (Tex.).
12. 81 CONG. REC. 4797, 75th Cong. 1st Sess. Under consideration was H.R. 6958, Interior Department appropriation for 1938.
13. Jere Cooper (Tenn.).
14. 90 CONG. REC. 5412, 78th Cong. 2d Sess.

strikes out section 2, the very thing that we just voted on. . . .

THE CHAIRMAN:(15) . . . This amendment . . . differed from the first amendment in that this not only seeks to strike out section 2 but inserts new wording for section 2.

The Chair overrules the point of order.

Motion To Strike Out and Insert After Text Perfected by Amendment

§ 16.14 After a section has been perfected by amendments, it may be in order to move to strike out such section as amended and insert a new one therefor.

On May 19, 1937,(16) the following proceedings took place:

MR. [ROBERT] LUCE [of Massachusetts]: Mr. Chairman, I rise to a point of order. . . .

This section reverses the action just taken by the Committee and my point is that that cannot be accomplished except by a motion to reconsider. . . .

THE CHAIRMAN:(17). . . The gentleman from Mississippi [Mr. Ford] has offered an amendment striking out the entire paragraph and inserting new language.

The Chair cited (from 8 Cannon's Precedents §§ 2904 and 2905) the following principles in overruling the point of order:

A substitute offered after the reading of a bill has been concluded is in order regardless of whether it includes language stricken from the bill or inserted in the bill when read for amendment. . . .

It is in order to propose as a substitute for a section an amendment inserting the same section with modifications and omitting amendments to the section previously agreed to by the Committee of the Whole.

Not in Order as Substitute in Some Cases

§ 16.15 For an amendment inserting new text in a bill, a proposition not only inserting similar language but also striking out original text of the bill may not be in order as a substitute, where the portion striking original text has the effect of broadening the scope of the amendment to which it is offered and therefore violating the germaneness rule.

On Sept. 8, 1976,(18) the Committee of the Whole had under consideration H.R. 10498, the Clean Air Act Amendments of 1976:

Sec. 108. (a) Title I of the Clean Air Act (42 U.S.C. 1857 and following), as

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15. Graham A. Barden (N.C.).
16. 81 CONG. REC. 4805, 75th Cong. 1st Sess. Under consideration was H.R. 6958, Interior Department appropriation for 1938.
17. Jere Cooper (Tenn.).
18. 122 CONG. REC. 29225, 94th Cong. 2d Sess.

amended by section 107 of this Act, is further amended by adding at the end thereof the following new subtitle: . . .

Amendments were offered, as follows:[19]

Amendment offered by Mr. Rogers: Page 216, after line 23, insert:

(f) The Clean Air Act, as amended by sections 306, 201, 304, 312, 313, 108, and 211 of this Act, is further amended by adding the following new section at the end thereof:

"NATIONAL COMMISSION ON AIR QUALITY

"Sec. 325. (a) There is established a National Commission on Air Quality which shall study and report to the Congress. . . .

MR. [BILL] CHAPPELL [Jr., of Florida]: Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from Florida (Mr. Rogers).

The Clerk read as follows:

> Amendment offered by Mr. Chappell as a substitute for the amendment offered by Mr. Rogers: Page 198, line 5, after section 108, strike out everything following Sec. 108 and insert the following:
>
> Sec. 108. The Clean Air Act is amended by inserting a new section 315 and renumbering succeeding sections accordingly:
>
> "NATIONAL COMMISSION ON AIR QUALITY
>
> "Sec. 315(a) There is established a National Commission on Air Quality which shall study and report to the Congress on:
>
> "(1) the effects of any existing or proposed policy or prohibiting deterioration of air quality in areas identified as having air quality better than that required under existing or proposed national ambient standards on employment . . . the relationship of such policy to the protection of the public health and welfare as well as other national priorities such as economic growth and national defense and its other social and environmental effects. . . .

MR. [PAUL G.] ROGERS [of Florida]: Mr. Chairman, I reserve a point of order against the amendment offered as a substitute for my amendment.

THE CHAIRMAN:[20] Does the gentleman from Florida (Mr. Rogers) wish to be heard on the point of order?

MR. ROGERS: Mr. Chairman, I would insist that at this time . . . we should vote on my amendment and the amendment of the gentleman from New Jersey first and then allow the gentleman from Florida to offer his amendment as a substitute for the section.

May I say the reason why this is not simply an amendment to the Rogers amendment, or a substitute for it; rather, it goes far beyond striking the Rogers amendment. It strikes the whole section of the bill and simply adds the same amendment, so I would think it is not germane at this time. . . .

MR. CHAPPELL: Mr. Chairman, as I see the situation, the Rogers amendment seeks to add a provision to section 108.

Mr. Chairman, as I see my amendment, it is in substitute to that and seeks to strike the wording of section 108 which it is attempting to amend, so I think it is clearly a proper substitute amendment.

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[19] *Id.* at pp. 29234, 29237.

[20] J. Edward Roush (Ind.).

THE CHAIRMAN: Does the gentleman from Kentucky wish to be heard on the point of order?

MR. [TIM LEE] CARTER [of Kentucky]: I do, Mr. Chairman.

Mr. Chairman, I agree with the distinguished gentleman from Florida (Mr. Rogers). My good friend, the chairman of the subcommittee, stated that the amendment was to his amendment. His amendment has not been accepted, and of course the Chappell amendment does not amend it. It is an original amendment, Mr. Chairman, of a substitute to section 108 of the bill. Therefore, I should think it would be in order.

THE CHAIRMAN: The Chair is prepared to rule.

The gentleman from Florida (Mr. Rogers) correctly stated the situation. His amendment calls for a study and inserts a new subsection in section 108. The Chappell amendment is much broader, and does deal with the standards which are set out in this particular section of the bill, while the Rogers amendment merely adds the study.

The Chair would, in support of the ruling the Chair is about to make, refer to Cannon's Precedents of the House of Representatives, page 457, section 2880, wherein it is stated:

> An amendment striking out language other than in the pending amendment is not in order as a substitute for an amendment inserting language.

The Chair would further point to a ruling set out on page 456 of the same volume, in section 2879, entitled "A decision as to what constitutes a substitute":

> To qualify as substitute an amendment must treat in the same manner the same subject matter carried by the text for which proposed.

The Chair therefore sustains the point of order, and would advise the gentleman from Florida (Mr. Chappell) that his amendment might be in order after the Rogers amendment and the amendment thereto have been disposed of.

§ 17. Motions To Strike

Amendments proposing to strike out a section of a bill are in order after perfecting amendments to the section are disposed of.(1) Moreover, a perfecting amendment may be offered while a motion to strike out is pending, and the perfecting amendment is first acted upon.(2) And a motion

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1. See § 17.3, infra.

If a motion to strike out a section or paragraph and insert new language is agreed to, a pending amendment proposing to strike out the section or paragraph falls and is not voted upon. See § 31.1, infra.

2. See § 15.4, supra.

While it is not in order to further amend an amendment in the nature of a substitute for several paragraphs which has been agreed to, a perfecting amendment to a paragraph of the bill proposed to be stricken out (in conformity with the purpose of the adopted substitute) may be offered while the motion to strike out is pending, and the perfecting amend-to strike out a paragraph may not be offered as a substitute for a pending motion to perfect the paragraph.(3) Thus, where an amendment proposes to add new language in a paragraph, an amendment proposing to strike out that portion of the paragraph sought to be amended along with additional language of such paragraph is not a proper substitute therefor.(4)

Although a perfecting amendment may be offered when a motion to strike out is pending, a substitute for a motion to strike out is not in order.(5)

A rule(6) provides that, "a motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert." The indivisibility of a motion to strike out and insert, and the concept that a motion to strike out should not have precedence and be voted on before a motion to insert, are the principles which underlie the prohibition against offering a motion to strike out as a substitute for a pending motion to strike out and insert.(7)

Note: Further examples of the principles discussed in this section may be found in other sections of this chapter. See, e.g., §§ 15 and 16, supra.

When To Offer

§ 17.1 A motion to strike out a paragraph is not in order while a perfecting amendment is pending.

On Dec. 16, 1963,(8) the following proceedings took place:

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ment is first voted upon. See § 32.16, infra.

A motion to strike out the enacting words, of course, is a special case, being used as a device for rejecting a bill; such motion takes precedence over motions to amend. Rule XXIII clause 7, *House Rules and Manual* § 875 (101st Cong.).

3. See the Chair's ruling at § 17.1, infra.
4. See § 18.11, infra.
5. See § 18.8, infra.
6. Rule XVI clause 7, *House Rules and Manual* § 793 (101st Cong.).
7. See § 17.18, infra.
8. 109 Cong. Rec. 24753, 88th Cong. 1st Sess. Under consideration was H.R. 9499.

Compare the proceedings on May 29, 1973, relating to H.R. 6912 (see 119 Cong. Rec. 16987, 16990, 16992, 93d Cong. 1st Sess.), where, without objection, a motion to strike out a subsection of a bill was permitted to be offered while a perfecting amendment to that subsection was pending; nevertheless, the Chairman put the question on the perfecting amendment before putting the question on the motion to strike out.

The Clerk read as follows:

> Amendment offered by Mr. [Glenard P.] Lipscomb [of California]: Page 21, line 6, after "in" insert "Title I of". . . .

Mr. [William S.] Broomfield [of Michigan]: Mr. Chairman, I would like to offer a substitute amendment.

The Clerk read as follows:

> Amendment offered by Mr. Broomfield as a substitute for the amendment offered by Mr. Lipscomb: On page 21, strike out lines 6 through 10, inclusive.

The Chairman:[9] The gentleman's amendment is not a substitute amendment. The gentleman's amendment is to delete language. We must act first on the Lipscomb amendment, and then the gentleman's amendment would be in order.

§ 17.2 While perfecting amendments to a section are pending, a motion to strike out the section may not be offered.

On June 5, 1974,[10] the Committee of the Whole was considering H.R. 14747, to amend the Sugar Act of 1948. An amendment was pending which sought to insert an additional labor standard to those contained in a section of the bill. A motion to strike out the entire section was offered as a substitute for the pending amendment, but was ruled out as not a proper substitute for the perfecting amendment, and, furthermore, as not germane, in that it went beyond the scope of the perfecting amendment.

Mr. [James G.] O'Hara [of Michigan]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. O'Hara: Page 18, after line 5, insert:
>
> (5) That the producer who compensates workers on a piece-rate basis shall have paid, at a minimum, the established minimum hourly wage.

Mr. [Steven D.] Symms [of Idaho]: Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from Michigan (Mr. O'Hara).

The Clerk read as follows:

> Amendment offered by Mr. Symms as a substitute for the amendment offered by Mr. O'Hara: In lieu of the amendment offered by the gentleman from Michigan insert the following: "Section 11 of the bill, page 15, strike out all of line 11 through line 6 of page 17 and renumber the '(3)' on line 7, page 17 as '(1)', and strike out line 15 on page 17 through line 5 on page 18.". . .

Mr. O'Hara: Mr. Chairman, I make a point of order against the amendment in that it is not germane to the provisions of my amendment. It deals with different parts of section 11. . . .

Mr. Symms: . . . Mr. Chairman, this amendment is germane to the gentleman's amendment. It strikes it and all the labor provisions from the bill.

The Chairman (Mr. [James J.] Burke of Massachusetts): It is the ruling of the Chair that the amendment offered by the gentleman from

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[9] Wilbur D. Mills (Ark.).

[10] 120 Cong. Rec. 17868, 17869, 93d Cong. 2d Sess.

Idaho (Mr. Symms) as a substitute for the amendment offered by the gentleman from Michigan (Mr. O'Hara) is not a proper substitute. The substitute would strike portions of section 11 not affected by the pending amendment. And, the substitute is broader in scope than the amendment to which offered and is not germane thereto. The Chair sustains the point of order.

—Perfecting Amendments Considered First

§ 17.3 Amendments proposing to strike out a section of a bill are in order after perfecting amendments to the section are disposed of.

On Apr. 17, 1946,(11) the following proceedings took place:

Mr. [Robert F.] Rich [of Pennsylvania]: Mr. Chairman, I offer a substitute for the pending amendment.

The Clerk read as follows:

> Amendment offered by Mr. Rich as a substitute for the Wolcott amendment: Strike out section 5 beginning on page 5, striking out all subsidies.

The Chairman:(12) The Chair would point out that the gentleman's amendment is not a substitute for the Wolcott amendment. . . .

The gentleman from Michigan [Mr. Wolcott] has offered an amendment to strike out certain provisions of the bill and to insert something in place of it. The amendment offered by the gentleman from Pennsylvania seeks to amend the provisions already in the bill by striking them out. . . .

Mr. [William M.] Whittington [of Mississippi]: . . . Is it not true that the pending amendment is a perfecting amendment and after this and other perfecting amendments are voted on it will then be in order to move to strike out the entire section?

The Chairman: The gentleman is correct.

§ 17.4 A motion to strike out a section is not in order until the pending perfecting amendment has been acted upon.

On Aug. 12, 1963,(13) the following proceedings took place:

The Clerk read as follows:

> Amendment offered by Mr. [William H.] Harsha [of Ohio]: On page 17, line 12, strike out "death by electrocution" and insert in lieu thereof "life imprisonment"; and on page 17, line 13, strike out "life imprisonment". . . .

Mr. [Joel T.] Broyhill of Virginia: Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Ohio [Mr. Harsha]. . . .

Mr. [Charles A.] Halleck [of Indiana]: Mr. Chairman, the language of the amendment offered by the gentleman from Ohio provides for certain changes with respect to the bill before us, as to section 808. The substitute

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11. 92 Cong. Rec. 3898, 79th Cong. 2d Sess. Under consideration was H.R. 6042, the Emergency Price Control Act.
12. Jere Cooper (Tenn.).
13. 109 Cong. Rec. 14757, 14758, 88th Cong. 1st Sess. Under consideration was H.R. 7525.

amendment simply moves to strike out all of that language. It would seem to me, that that would properly be a substitute.

THE CHAIRMAN:(14) The Chair would advise the gentleman that the amendment offered by the gentleman from Ohio is a perfecting amendment. Before a section of the bill can be stricken from the bill, the perfecting amendments must be acted upon.

MR. HARSHA: Mr. Chairman——

THE CHAIRMAN: For what purpose does the gentleman from Ohio rise?

MR. HARSHA: Mr. Chairman, I ask unanimous consent to withdraw my amendment.

THE CHAIRMAN: Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE CHAIRMAN: The amendment offered by the gentleman from Ohio [Mr. Harsha] is withdrawn.

The Clerk will report the amendment offered by the gentleman from Virginia [Mr. Broyhill].

The Clerk read as follows:

> Amendment offered by Mr. Broyhill of Virginia: On page 17, line 5, strike out section 501.

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Virginia [Mr. Broyhill].

The amendment was agreed to.

§ 17.5 A motion to strike out a paragraph may be offered following disposition of a pending perfecting amendment.

The proceedings of Dec. 16, 1963, during which the above issue was raised, are discussed in § 17.1, supra.

§ 17.6 Where a motion to strike out is pending, perfecting amendments may be offered and acted on before consideration of the motion to strike; and if the motion to strike is rejected, further perfecting amendments to the pending text are in order.

On Oct. 3, 1977,(15) the Committee of the Whole having under consideration H.R. 3816,(16) the proceedings described above were as follows:

MR. [ROBERT] KRUEGER [of Texas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Krueger: On page 35, strike line 14 and all that follows through line 5 on page 44, and redesignate the following sections accordingly. . . .

MRS. [MILLICENT] FENWICK [of New Jersey]: Mr. Chairman, I offer a perfecting amendment.

The clerk read as follows:

> Perfecting amendment offered by Mrs. Fenwick:
>
> Page 37, strike out the period in line 12 and insert in lieu thereof a semicolon and the following: "except that in the case of an action commenced under subparagraph (B) of such subsection, the court may grant

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14. Ross Bass (Tenn.).

15. 123 CONG. REC. 32013, 32017, 95th Cong. 1st Sess.

16. A bill to amend the Federal Trade Commission Act.

> such relief only if the plaintiff in such action satisfies the court that the act . . . is one which a reasonable man would have known under the circumstances was . . . fraudulent."

MR. [CHARLES E.] WIGGINS [of California]: Mr. Chairman, I make a point of order against the amendment. . . .

. . . [P]ending before the committee is an amendment to the bill striking section 7 in its entirety. The gentlewoman from New Jersey (Mrs. Fenwick) has offered what she characterizes as a perfecting amendment to an amendment to strike which amends a portion of section 7.

It is my view, Mr. Chairman, that that amendment is not in order since section 7 is to be stricken entirely if the original amendment carries. The second amendment, the perfecting amendment, is inconsistent with the original amendment in its entirety, and for that reason it is out of order. . . .

THE CHAIRMAN:(17) The Chair is ready to rule.

The perfecting amendment offered by the gentlewoman from New Jersey (Mrs. Fenwick) is not an amendment to the amendment to strike. It is an amendment in the nature of a perfecting amendment to the bill.

Perfecting amendments to the text of the bill are in order and take precedence over a pending motion or amendment to strike the pending portion of the bill.

Therefore, the Chair respectfully overrules the point of order. . . .

MR. WIGGINS: Mr. Chairman, several of us have amendments which will be offered if the motion to strike does not carry. Will those perfecting amendments be in order after the vote on the motion to strike?

THE CHAIRMAN: The Chair will state that if the amendment or motion to strike does not carry, those amendments will be in order.

§ 17.7 Where an amendment striking out a section is first offered, an amendment to change a portion of the section proposed to be stricken is then offered as a perfecting amendment (in the first degree) to the bill and not as an amendment to the motion to strike, and the perfecting amendment is voted on first and remains part of the bill if the motion to strike is then rejected.

On Sept. 18, 1986,(18) during consideration of H.R. 1426(19) in the Committee of the Whole, the proceedings described above occurred as follows:

MR. [HOWARD C.] NIELSON of Utah: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Nielson of Utah: Page 12, strike line 1 and all that follows through page 14, line 20 (and redesignate the subsequent sections of title II of the bill accordingly). . . .

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17. Abraham Kazen, Jr. (Tex.).

18. 132 CONG. REC. 24120–22, 99th Cong. 2d Sess.

19. Indian Health Care amendments.

MR. [JOHN S.] MCCAIN [of Arizona]: Mr. Chairman, I offer a perfecting amendment.

THE CHAIRMAN:(20) The Clerk will report the amendment.

The Clerk read as follows:

> Perfecting amendment offered by Mr. McCain. Section 201 is amended by striking:
>
> "(h) There are authorized to be appropriated for the purposes of carrying out the provisions of this section—
>
> "(1) $28,000,000 for fiscal year 1988. . . ."

THE CHAIRMAN: The question is on the perfecting amendment offered by the gentleman from Arizona (Mr. McCain) to title II.

The perfecting amendment was agreed to.

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Utah (Mr. Nielson).

The amendment was rejected.

THE CHAIRMAN: Are there other amendments to title II? . . .

MR. NIELSON of Utah: Mr. Chairman, on the perfecting amendment of the gentleman from Arizona (Mr. McCain), that amendment passed but my amendment failed. That means that his amendment went down with mine; is that correct?

THE CHAIRMAN: The perfecting amendment of the gentleman from Arizona prevailed to the bill, not to the gentleman's amendment, and at the present it is the prevailing amendment.

MR. NIELSON of Utah: It is part of the bill, then?

THE CHAIRMAN: The gentleman is correct. Yes; it is part of the bill.

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20. Beryl F. Anthony, Jr. (Ark.).

—Successive Perfecting Amendments Take Precedence

§ 17.8 A perfecting amendment to a portion of a section having been adopted while a motion to strike out the section was pending, another perfecting amendment (to strike out the remainder of the section not yet perfected) could be offered and voted on prior to the motion to strike the section.

On Sept. 29, 1975,(1) during consideration of a bill(2) in the Committee of the Whole, the Chair responded to parliamentary inquiries as described above. The proceedings were as follows:

> MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Chairman, I will try to propound a proper parliamentary inquiry. . . . My original amendment was to strike section 2 in its entirety. We have just accepted striking from line 20, section 2, through line 6 on page 13. Is an amendment in order at this point to strike the remainder of that section?
>
> THE CHAIRMAN:(3) The Chair will respond to the gentleman by saying that

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1. 121 CONG. REC. 30772, 30773, 94th Cong. 1st Sess.
2. H.R. 8630, Postal Reorganization Act Amendments of 1975.
3. Walter Flowers (Ala.).

an amendment would be in order to strike so much of the section that was not amended by the gentleman from Arkansas' amendment. . . .

Mr. [James M.] Hanley [of New York]: Mr. Chairman, just a point of information to clarify this vote for the benefit of all Members, the understanding is that the adoption of the Derwinski amendment would have the effect of nullifying the Alexander amendment, and in so doing reverting back to present law; am I correct?

The Chairman: The motion of the gentleman from Illinois would strike the entire section, including that section as amended by the gentleman from Arkansas.

Parliamentarian's Note: If the perfecting amendments that were the subject of Mr. Derwinski's inquiries were both adopted, the section would have been amended in its entirety, and the motion to strike would then fall.

Unanimous Consent To Consider Specific Motion To Strike

§ 17.9 A unanimous-consent request to consider an amendment to a section of a bill which has not been read for amendment, where the bill is being read for amendment by sections, does not permit the offering of other amendments to that section of the bill; thus, while perfecting amendments to the text of a bill may ordinarily be offered pending a motion to strike that text, perfecting amendments may not be offered to a section of a bill not yet read for amendment where unanimous consent has been obtained to consider a motion to strike a portion of that section.

On Oct. 5, 1977,[4] the Committee of the Whole having under consideration H.R. 8410,[5] the proceedings described above occurred as follows:

The Chairman:[6] Are there further amendments to section 7? . . .

Mr. [John N.] Erlenborn [of Illinois]: Mr. Chairman, I offer amendments to sections 7 and 8, and I ask unanimous consent that the amendments may be considered en bloc.

The Chairman: Is there objection to the request of the gentleman from Illinois? . . .

There was no objection.

The Chairman: The Clerk will report the amendments.

The Clerk read as follows:

> Amendments offered by Mr. Erlenborn: Page 22, line 14, strike "(1)"; page 22, line 15, strike "or" the second time it occurs, and all that follows through line 5, page 23. . . .

Mr. [Frank] Thompson [Jr., of New Jersey]: Mr. Chairman, I wonder if it is possible parliamentarily for the gentleman from Minnesota (Mr. Quie) to offer an amendment to the bill at this point.

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[4] 123 Cong. Rec. 32523, 32524, 95th Cong. 1st Sess.

[5] Labor Reform Act of 1977.

[6] William H. Natcher (Ky.).

The Chairman: The Chair would advise the gentleman from New Jersey (Mr. Thompson) that an amendment to or a substitute for the motion to strike would not be in order.

Mr. Thompson: But an amendment to the bill, rather than a substitute to strike, would be in order, Mr. Chairman?

The Chairman: The Chair would advise the gentleman from New Jersey that, as the gentleman knows, section 8 is not open for amendment at this time, other than the Erlenborn amendment, and perfecting amendments to that section are not yet in order.

Rejection of Motion To Strike Out and Insert

§ 17.10 After a negative vote on a motion to strike out certain words and insert others, it is in order to move to strike out a portion of such words.

On Feb. 6, 1946,(7) the following proceedings took place:

Mr. [Francis H.] Case of South Dakota: Mr. Chairman, I reserved the point of order against the amendment because it occurred to me that this matter had been considered yesterday in the vote upon the amendment offered by the gentleman from Michigan (Mr. Hoffman). This language here involved was proposed to be stricken by the amendment then offered. The amendment was voted upon and defeated. . . .

The Chairman:(8) . . . Yesterday the gentleman from Michigan offered an amendment striking out that part of the bill which the gentleman from Maine now attempts to strike out, as well as language in addition thereto and to insert other language. The amendment was defeated. Therefore, the amendment offered by the gentleman from Maine which proposes to strike out a portion of the language, is appropriate at this time. The Chair overrules the point of order.

§ 17.11 A motion to strike out a section may be offered if a pending committee amendment to strike out the section and insert new language is rejected.

On Nov. 11, 1971,(9) the following proceedings took place:

Committee amendment: On page 15, strike out lines 12 through 18 and insert in lieu thereof the following:

Sec. 708. . . .

Mr. [Donald M.] Fraser [of Minnesota]: As I understand it, the Chairman is opposing the committee amendment, which rewrites the provision that is found in the bill, but it would still leave the old provision in the bill. My question is, if the committee amendment is turned down, would it be in order to consider at this point a further amendment to strike the old lan-

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7. 92 Cong. Rec. 994, 79th Cong. 2d Sess. Under consideration was H.R. 4908, relating to an investigation of labor disputes.

8. Emmet O'Neal (Ky.).

9. 117 Cong. Rec. 40594, 92d Cong. 1st Sess. Under consideration was H.R. 1134.

guage so there is no reference to this particular piece of property in the bill?

THE CHAIRMAN:(10) The Chair will inform the gentleman that a motion to strike would be in order.

Voting on Motion To Strike After Consideration of Perfecting Amendment

§ 17.12 Whether or not preferential perfecting amendments to the pending text, offered pending a motion to strike that text, are adopted or rejected, a vote still must be taken on the motion to strike (assuming that the perfecting amendments do not change the entire text pending).

On Oct. 3, 1977,(11) during consideration of H.R. 3816,(12) in the Committee of the Whole, a perfecting amendment was offered to a section of a bill while there was pending a motion to strike out that section. The proceedings were as indicated below:

> MR. [ROBERT] KRUEGER [of Texas]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Krueger: On page 35, strike line 14 and all that follows through line 5 on page 44, and redesignate the following sections accordingly. . . .
>
> MRS. [MILLICENT] FENWICK [of New Jersey]: Mr. Chairman, I offer a perfecting amendment.
>
> The clerk read as follows:
>
> > Perfecting amendment offered by Mrs. Fenwick:
> >
> > Page 37, strike out the period in line 12 and insert in lieu thereof a semicolon and the following: "except that in the case of an action commenced under subparagraph (B) of such subsection, the court may grant such relief only if the plaintiff in such action satisfies the court that the act . . . is one which a reasonable man would have known under the circumstances was . . . fraudulent.". . .
>
> MR. [MATTHEW J.] RINALDO [of New Jersey]: Mr. Chairman, am I correct in my understanding if there were a vote now, the vote would be on the Fenwick amendment and regardless whether it passes or fails, there would still be a vote on the Krueger amendment to strike the entire section?
>
> THE CHAIRMAN:(13) That is correct. All perfecting amendments will be in order before a vote on the Krueger amendment. The Krueger amendment will still be pending.

Parliamentarian's Note: A motion to strike out and insert language may be offered as a perfecting amendment to a pending section of a bill, and is voted on before a pending motion to strike that section; but, even if agreed to, the perfected language is subject to being eliminated by subsequent adoption of the motion to

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10. John J. McFall (Calif.).
11. 123 CONG. REC. 32013, 32017, 32019, 32020, 95th Cong. 1st Sess.
12. A bill to amend the Federal Trade Commission Act.
13. Abraham Kazen, Jr. (Tex.).

strike out in cases where the perfecting amendment has not so changed the text as to render the original motion to strike meaningless. For further discussion, see § 16, supra.

§ 17.13 Where there is pending a motion to strike out language in a bill, and a preferential perfecting amendment (to strike the same language and insert new language) is then offered and agreed to, the motion to strike out falls and is not voted on.

The principle stated above was the basis for the following proceedings which occurred on Aug. 5, 1986,(14) during consideration of H.R. 4428 in the Committee of the Whole:

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Stratton to the amendment offered by Mr. Nichols: Strike out section 101(c) (page 14, lines 4 through 12). . . .

MR. [IKE] SKELTON [of Missouri]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

> Perfecting amendment offered by Mr. Skelton to the amendment offered by Mr. Nichols: Page 14, strike out lines 4 through 12 and insert in lieu thereof the following:
>
> (c)(1) Notwithstanding any other provision of law, the President and the Secretary of Defense may assign missions, roles, and functions to the military departments . . . and other elements of the Department of Defense. . . .

THE CHAIRMAN PRO TEMPORE:(15) Does any Member rise in opposition to the perfecting amendment offered by the gentleman from Missouri?

If not, the question is on the perfecting amendment offered by the gentleman from Missouri (Mr. Skelton) to the amendment offered by the gentleman from Alabama (Mr. Nichols).

The perfecting amendment to the amendment was agreed to.

THE CHAIRMAN PRO TEMPORE: The Stratton amendment to strike will not be voted on, under the precedents, the text proposed to be stricken having been completely amended.

Offering Motion To Strike Title After Consideration of Motions To Strike and Insert

§ 17.14 A motion to strike out a title contained in a bill was held to be in order notwithstanding the fact that the Committee of the Whole had previously considered two motions to strike out such title and insert other language.

On July 25, 1957,(16) the following proceedings took place:

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14. 132 CONG. REC. 19056, 19058, 19059, 99th Cong. 2d Sess.

15. Kenneth J. Gray (Ill.).

16. 103 CONG. REC. 12744, 85th Cong. 1st Sess. Under consideration was H.R. 1,

The Clerk read as follows:

> Amendment offered by Mr. [Donald E.] Tewes [of Wisconsin]: On page 31, line 19, strike out all of title I through page 46, line 11. . . .

MR. [STEWART L.] UDALL [of Arizona]: Mr. Chairman, we considered earlier today two amendments, one offered by the gentleman from Kansas [Mr. Scrivner] and one by the gentleman from Connecticut [Mr. May]. The purpose of both these amendments was to strike out title I. Both amendments were considered. One was voted down and one was knocked out on a point of order. I make the point of order, Mr. Chairman, that this motion has been made and has been considered and voted down by the Committee of the Whole.

THE CHAIRMAN:(17) The Chair calls the attention of the gentleman to the fact that the motions heretofore made were to strike and insert. This is the first time a motion has been made to strike out the entire title. Therefore, the point of order is overruled.

Not in Order as Substitute

§ 17.15 A motion to strike out an entire section of a bill is not in order as a substitute for an amendment to strike out certain provisions in the section and insert new language, since a section must be perfected before the question is put on striking it out.

On Aug. 16, 1972,(18) the following proceedings took place:

The Clerk read as follows:

> Amendment offered by Mr. [James C.] Wright [of Texas]: Page 38, strike out lines 23 and 24 and insert in lieu thereof the following: . . .

MR. [MARION G.] SNYDER [of Kentucky]: Mr. Chairman, I should like to ask if an amendment to strike the entire section is in order as a substitute to this kind of amendment.

THE CHAIRMAN:(19) The Chair will advise the gentleman that it is not.

§ 17.16 To a motion to strike certain words and insert others, a simple motion to strike out the words may not be offered as a substitute; but if the motion to strike out and insert is rejected, the simple motion to strike out is in order.

On June 29, 1939,(20) the following proceedings took place:

> Committee amendment: Strike out all of lines 5 and 6 on page 2 and insert: "and that it is necessary to promote the security or preserve the peace of the United States or to protect

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to authorize federal assistance to the states and local communities in financing an expanded program of school construction so as to eliminate the national shortage of classrooms.

17. Francis E. Walter (Pa.).

18. 118 CONG. REC. 28400, 92d Cong. 2d Sess. Under consideration was H.R. 16071.

19. John Slack (W. Va.).

20. 84 CONG. REC. 8282–88, 76th Cong. 1st Sess. Under consideration was H.J. Res. 306, the Neutrality Act of 1939.

the lives of citizens of the United States.". . .

Amendment offered by Mr. [Francis H.] Case of South Dakota as a substitute for the committee amendment: On page 2, strike out lines 5 and 6. . . .

THE CHAIRMAN:[1] The Chair reads the following from the rules of the House.

> To a motion to strike certain words and insert others, a simple motion to strike out the words may not be offered as a substitute. . . .

MR. CASE of South Dakota: As I understand the Chair, the Chair ruled that a substitute to the committee amendment was not in order. May I ask, however, if the committee amendment should be voted down, then would it not be in order for me to offer an amendment to strike out the two lines that are proposed to be stricken by the committee amendment?

THE CHAIRMAN: It would.

§ 17.17 A motion to strike out a paragraph may not be offered as a substitute for a pending motion to perfect the paragraph.

The proceedings of Dec. 16, 1963, during which the above issue was raised, are discussed in § 17.1, supra.

§ 17.18 A motion to strike out is not in order as a substitute for a pending motion to strike out and insert.

On Oct. 14, 1966,[2] the following proceedings took place:

The Clerk read as follows:

> Amendment offered by Mr. [Thomas L.] Ashley [of Ohio]: Strike out page 99, line 21, and all that follows down through page 100, line 11, and insert in lieu thereof the following: . . .

MRS. [FLORENCE P.] DWYER [of New Jersey]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mrs. Dwyer as a substitute for the amendment offered by Mr. Ashley: Strike out section 701 beginning on page 99, line 20, and ending on page 100, line 11, and renumber the succeeding sections accordingly. . . .

THE CHAIRMAN:[3] The Chair advises the gentlewoman from New Jersey that this is obviously a motion to strike out and cannot be submitted at this time.

Similarly, on June 4, 1968,[4] the following proceedings took place:

The Clerk read as follows:

> On page 3, line 17, after "section" insert ", recommend such legislation as he may deem appropriate to permit the promulgation of rules and regulations in implementation

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[1] Jere Cooper (Tenn.).

[2] 112 CONG. REC. 26966, 26967, 89th Cong. 2d Sess. Under consideration was S. 3708.

[3] Daniel J. Flood (Pa.).

[4] 114 CONG. REC. 15889, 90th Cong. 2d Sess. Under consideration was H.R. 17268.

of the standards developed under this section".

MR. [PORTER] HARDY [Jr., of Virginia]: Mr. Chairman, a parliamentary inquiry. Would it be in order at this point to offer a substitute for the committee amendment to strike out the entire language beginning at line 7 through line 20?

THE CHAIRMAN:(5) Not until we have disposed of the committee amendment. . . .

MR. HARDY: Will the committee amendment—is it not in order to offer a substitute for the committee amendment?

THE CHAIRMAN: After we dispose of the pending committee amendment a motion to strike out the section would be in order.

§ 17.19 To a motion to strike out and insert language in a bill, a simple motion to strike out a part of the language sought to be amended is not in order as a substitute for the original motion.

On Apr. 17, 1946,(6) the following proceedings took place:

The Clerk read as follows:

Amendment offered by Mr. [Robert F.] Rich [of Pennsylvania] as a substitute for the Wolcott amendment: Strike out section 5 beginning on page 5, striking out all subsidies.

THE CHAIRMAN:(7) The Chair would point out that the gentleman's amendment is not a substitute for the Wolcott amendment.

MR. RICH: It strikes out part of the subsidies. I want to strike them all out. So it takes in his amendment and more.

THE CHAIRMAN: The gentleman from Michigan [Mr.Wolcott] has offered an amendment to strike out certain provisions of the bill and to insert something in place of it. The amendment offered by the gentleman from Pennsylvania seeks to amend the provisions already in the bill by striking them out.

§ 17.20 For a perfecting amendment striking out a figure and inserting a new amount, a proposal to strike out the entire paragraph containing that figure may not be offered as a substitute.

On June 25, 1974,(8) during consideration of a bill in the Committee of the Whole, the Chair ruled that perfecting amendments to a paragraph are disposed of prior to amendments to strike out the paragraph:

MR. [JOHN T.] MYERS [of Indiana]: Mr. Chairman, I offer an amendment.

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5. Edward P. Boland (Mass.).
6. 92 CONG. REC. 3898, 79th Cong. 2d Sess. Under consideration was H.R. 6042, the Emergency Price Control Act.
7. Jere Cooper (Tenn.).
8. 120 CONG. REC. 21038, 21039, 93d Cong. 2d Sess. Under consideration was H.R. 15544, Treasury Department, Postal Service, and Executive Office appropriations, fiscal 1975.

The Clerk read as follows:

> Amendment offered by Mr. Myers: On page 14, lines 16 and 17, strike $1,000,000 and substitute $250,000.

MR. [C. W.] YOUNG of Florida: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Young of Florida for the amendment offered by Mr. Myers:
>
> Page 14, lines 10 through 17, strike lines 10 through 17 and renumber the following lines.

THE CHAIRMAN:[9] The Chair states that this is not a proper substitute for the amendment now pending. Once the pending perfecting amendment has been disposed of, then the gentleman's amendment to strike out the paragraph would be in order.

§ 17.21 A motion to strike out an entire subsection of a bill is not a proper substitute for a perfecting amendment to the subsection, since it is broader in scope, but may be offered after disposition of the perfecting amendment.

On Sept. 23, 1982,[10] it was demonstrated that, for a perfecting amendment to a subsection striking out one activity from those covered by a provision of existing law, a substitute striking out the entire subsection, thereby eliminating the applicability of existing law to a number of activities, was not in order. The proceedings in the Committee of the Whole during consideration of H.R. 5540[11] were as follows:

MR. [BRUCE F.] VENTO [of Minnesota]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Vento: Page 41, line 24, strike out ", or the installation of equipment,".
>
> Page 42, beginning on line 15, strike out ", or the installation of equipment,".

MR. [JOHN N.] ERLENBORN [of Illinois]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Erlenborn as a substitute for the amendment offered by Mr. Vento: Beginning on page 41, line 22, strike all of subsection (m) through page 43, line 2.

MR. VENTO: Mr. Chairman, I make a point of order against the amendment offered as a substitute by the gentleman from Illinois (Mr. Erlenborn). . . .

[T]he substitute offered by the gentleman is clearly not in order. Under rule 19, Cannon's Procedure VIII, section 2879, the precedents provide that "to qualify as a substitute an amendment must treat in the same manner the same subject carried by the amendment for which it is offered."

My amendment would remove language from the committee bill and limit the applicability of the Davis-Bacon Act in terms of one type of activity. The gentleman's substitute would strike the entire section of the committee bill which my amendment seeks to perfect and thereby eliminate the Davis-Bacon provisions of this legislation.

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[9] B. F. Sisk (Calif.).

[10] 128 CONG. REC. 24963, 24964, 97th Cong. 2d Sess.

[11] Defense Industrial Base Revitalization Act.

In this case, the amendment offered by the gentleman clearly does not treat the subject in the same manner which my amendment does. Also, under Deschler's Procedure, chapter 27, section 14.1, decisions made by the Chair on August 12, 1963, December 16, 1963, and June 5, 1974, a motion to strike out a section of paragraph is not in order while a perfecting amendment is pending. In addition, the decisions of the Chair of December 16, 1963, and June 5, 1974, and contained in Deschler's Procedure, chapter 27, section 14.4, provides that a provision must be perfected before the question is put on striking it out. A motion to strike out a paragraph or section may not be offered as a substitute for pending motion to perfect a paragraph or section by a motion to strike and insert. The gentleman's amendment attempts to accomplish indirectly something that he is precluded from doing directly. . . .

Mr. Erlenborn: . . . The language to which both amendments are directed is language in the bill that is applying the Davis-Bacon Act to activities under the bill in question. The amendment offered by the gentleman is reducing the extent of that coverage by taking out the installation of equipment.

My substitute also reduces that by eliminating the language so there would be no extension of Davis-Bacon to the activities beyond the present coverage of Davis-Bacon.

So the amendment that has been offered by the gentleman from Minnesota (Mr. Vento) is affecting Davis-Bacon by reducing its coverage. Mine also would affect the reduction of Davis-Bacon, only in a broader manner; and I, therefore, believe the amendment is in order.

The Chairman:(12) The Chair is prepared to rule.

The Chair sustains the point of order of the gentleman from Minnesota (Mr. Vento) for the reasons advocated by the gentleman from Minnesota that the substitute is too broad in its scope in its striking the whole of subsection (m).

The Chair would say to the gentleman from Illinois (Mr. Erlenborn) it would be appropriate as a separate amendment but it is not in order as a substitute because of the scope of the amendment.

The point of order of the gentleman from Minnesota is sustained.

—No Point of Order Raised Against Substitute

§ 17.22 An amendment proposing to strike out a section is not a proper substitute for a perfecting amendment to that section (to strike out and insert), but where no point of order is raised against the substitute, the Chair nevertheless follows the principle that the pending text should first be perfected

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12. Wyche Fowler, Jr. (Ga.).

before the vote recurs on striking it out.

On July 22, 1976,(13) the Committee of the Whole having under consideration H.R. 13777, the Federal Land Policy and Management Act of 1976, the proceedings described above occurred as indicated below:

> Amendment offered by Mr. [Bob] Eckhardt [of Texas]: On page 41, strike line 10 and all that follows through line 7 on page 43. Insert in lieu thereof the following:
>
> Sec. 210(a)(1) The Secretary with respect to the commercial grazing of livestock on the public lands under the Taylor Grazing Act . . . shall charge, commencing with the calendar year 1980, an annual fee or fees per animal unit month for such grazing which shall be the approximate fair market value of the forage provided. . . .
>
> MR. [SIDNEY R.] YATES [of Illinois]: Mr. Chairman, I offer an amendment as a substitute for the amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Yates as a substitute for the amendment offered by Mr. Eckhardt: Page 41, strike out line 10 on page 41 and all lines thereafter on page 41. . . .
>
> THE CHAIRMAN:(14) The amendment offered by the gentleman from Texas (Mr. Eckhardt) is a perfecting amendment to section 210. The "substitute" offered by the gentleman from Illinois (Mr. Yates) is, in effect, a motion to strike the entire section against which no point of order was raised.
>
> The first vote will be on the perfecting amendment offered by the gentleman from Texas (Mr. Eckhardt).

Not in Order as Amendment to Perfecting Amendment

§ 17.23 To an amendment striking out a title and inserting new language, a motion to strike out that title is not in order as an amendment.

On July 25, 1974,(15) during consideration in the Committee of the Whole of the bill H.R. 11500, the Surface Mining Control and Reclamation Act of 1974, a motion to strike out, as described above, was held not in order. The proceedings were as follows:

> MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I offer an amendment to the committee amendment in the nature of a substitute.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Udall to the committee amendment in the nature of a substitute: Strike page 268, line 19, through page 271, line 24, and insert in lieu thereof the following:
> >
> > Sec. 601. (a) With respect to Federal lands within any State, the Secretary of Interior may, and if so re-

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13. 122 CONG. REC. 23457, 23459, 23460, 94th Cong. 2d Sess.

14. Robert N. Giaimo (Conn.).

15. 120 CONG. REC. 25240, 25241, 93d Cong. 2d Sess.

> quested by the Governor of such State, shall review any area within such lands to assess whether it may be unsuitable for mining operations. . . .

Mr. [Craig] Hosmer [of California]: . . . Mr. Chairman, I do have an amendment to the amendment. It would merely strike out title VI.

The Chairman:(16) Does the gentleman seek recognition?

Mr. Hosmer: Yes. I seek recognition for an amendment to the Udall amendment.

The Chairman: The Chair will advise the gentleman from California that his amendment to strike title VI is not in order as an amendment to the Udall amendment.

The question is on the amendment offered by the gentleman from Arizona (Mr. Udall) to the committee amendment in the nature of a substitute.

So the amendment to the committee amendment in the nature of a substitute was agreed to.

Parliamentarian's Note: Where an amendment striking out text and inserting new language has been offered, a simple motion to strike out all that text may not be offered as an amendment to such amendment, because it would have the effect of dividing the motion to strike out and insert which is prohibited by Rule XVI clause 7.(17) In the above instance, only upon rejection of the amendment striking title VI and inserting new text would Mr. Hosmer's motion to strike out the title have been in order.

Amending Text Proposed To Be Stricken

§ 17.24 Where a motion to strike out is pending, a motion to amend part of the text proposed to be stricken is in order.

On Apr. 24, 1963,(18) the following proceedings took place:

The Clerk read as follows:

> Amendment offered by Mr. [Samuel L.] Devine [of Ohio]: On page 19 strike out line 13 and all that follows down to line 24 on page 27. . . .

Mr. [Oren] Harris [of Arkansas]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

> Amendment offered by Mr. Harris: On page 20, line 13, strike out "and", and immediately below line 13 insert the following: . . .

Mr. [Harold R.] Collier [of Illinois]: Is this a perfecting amendment? . . .

The Chairman:(19) The Chair is of the opinion that the amendment of-

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16. Neal Smith (Iowa).
17. *House Rules and Manual* § 793 (101st Cong.).
18. 109 Cong. Rec. 6879, 6880, 88th Cong. 1st Sess. Under consideration was H.R. 12.
19. Eugene J. Keogh (N.Y.).

fered by the gentleman from Arkansas is a perfecting amendment to the text of the pending bill. . . .

MR. COLLIER: This is a perfecting amendment to the amendment offered by the gentleman from Ohio.

THE CHAIRMAN: No, it is not.

MR. COLLIER: Then how does it get precedence over the pending amendment?

THE CHAIRMAN: Because it is a perfecting amendment to the text of the bill to which the gentleman from Ohio offers his amendment. The vote will come first on the perfecting amendment before the vote is had on the amendment offered by the gentleman from Ohio.

§ 17.25 Where there is pending a motion to strike out a section of a bill, an amendment to insert words within the section proposed to be stricken is in order as a perfecting amendment.

On Oct. 5, 1972,(20) the following proceedings took place:

The Clerk read as follows:

> Amendment offered by Ms. [Bella S.] Abzug [of New York]: Page 107, line 12, through page 108, line 5: Strike all of section 139. Renumber the succeeding sections accordingly. . . .

MR. [JOEL T.] BROYHILL of Virginia: Mr. Chairman, I offer an amendment as a perfecting amendment.

The Clerk read as follows:

> Perfecting amendment offered by Mr. Broyhill of Virginia: Page 107 line 13 after "Sec. 139." insert "(a)".
>
> Page 108 after line 5 insert the following:
>
> "(b) This section shall take effect upon the final determination of the route of Interstate Highway I-66 from its present terminus in Virginia at I-495 to its connection with a bridge or bridges (presently constructed or to be constructed) across the Potomac River."

MR. DON H. CLAUSEN [of California]: . . . Is this in effect an amendment to the amendment rather than a perfecting amendment? . . .

THE CHAIRMAN:(1) The Chair will state from a quick study of the amendment that it appears to be a perfecting amendment to the section which is proposed to be stricken by the amendment offered by the gentlewoman from New York. . . .

MR. GERALD R. FORD [of Michigan]: . . . I ask the Chair in what order or sequence will the votes come on the several proposals.

THE CHAIRMAN: The vote would come first, the Chair will state, on the perfecting amendment of the gentleman from Virginia. Following that the principal amendment to strike out the section would be put to the committee.

—Striking Portion of Section

§ 17.26 A preferential perfecting amendment to strike out only a portion of the language of a section may be offered before a pending motion to strike out the entire section.

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20. 118 CONG. REC. 34130, 92d Cong. 2d Sess. Under consideration was H.R. 16656.

1. Morris K. Udall (Ariz.).

On June 18, 1959,[2] the following proceedings took place:

The Clerk read as follows:

> Amendment offered by Mr. [Ross] Adair [of Indiana]: On page 11, strike out line 18 and all that follows down through line 6 on page 12, and reletter the following subsections accordingly. . . .

MR. [HARRIS B.] MCDOWELL [Jr., of Delaware]: Mr. Chairman, I offer a perfecting amendment to the bill.

The Clerk read as follows:

> Amendment offered by Mr. McDowell as a perfecting amendment to the bill: On page 12, lines 1 and 2, strike out "and the sixth sentence of section 202(b)", and on line 4, of page 12, strike out "II, III," and insert in lieu thereof "III.". . .

THE CHAIRMAN:[3] The question is on the perfecting amendment offered by the gentleman from Delaware [Mr. McDowell].

Parliamentarian's Note: In this context a motion to strike can itself be a perfecting amendment.

Amendment To Strike Additional Words

§ 17.27 When it is proposed to strike out certain words in a section, it is not in order to amend that amendment by proposing that additional words of that section be stricken.

On June 2, 1976,[4] the Committee of the Whole having under consideration H.R. 13680,[5] the Chair ruled on a point of order as described above. The proceedings were as follows:

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Derwinski: At page 68, strike line 4 through page 69, line 4. . . .

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> AMENDMENT OFFERED BY MR. ZABLOCKI TO THE AMENDMENT OFFERED BY MR. DERWINSKI
>
> Strike the words "page 69, line 4" and insert in lieu thereof "page 69, line 10". . . .

MR. [DONALD M.] FRASER [of Minnesota]: . . . Mr. Chairman, I make a point of order against the Zablocki amendment to the amendment on the grounds that it is an effort to amend a perfecting amendment. It deals with a different part of the bill, and since the bill is open to amendment by titles, the perfecting amendment, so-called, offered by the gentleman from Illinois (Mr. Derwinski), as I understand, only strikes section 413 down through line 4 on page 69. This is an effort to strike a different part of the title, and therefore would not be in order as an amendment to the Derwinski amendment. . . .

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[2] 105 CONG. REC. 11301, 11303–05, 86th Cong. 1st Sess. Under consideration was H.R. 7500.

[3] Wilbur D. Mills (Ark.).

[4] 122 CONG. REC. 16208–10, 94th Cong. 2d Sess.

[5] A bill to amend the Foreign Assistance Act of 1961.

Mr. Zablocki: . . . Mr. Chairman, the Derwinski amendment strikes section 413 to line 4 on page 69. All my amendment does is continue striking section 413 by striking the words, "page 69, line 4," and substituting in lieu thereof, "page 69, line 10."

So, it is an amendment in order to an amendment that was recognized in order.

The Chairman:[6] The Chair is ready to rule.

The amendment offered by the gentleman from Illinois (Mr. Derwinski) strikes . . . section 413, beginning with line 5, page 68, through line 4, page 69. The amendment offered by the gentleman from Wisconsin (Mr. Zablocki) to that amendment would increase the portion of section 413 that is stricken, expanding the area stricken down through line 10, page 69.

Under Cannon's Precedents in the House of Representatives, on page 13, in middle of the page, under the heading "amending a motion":

> When it is proposed to strike out certain words, it is not in order to amend by adding to the words of the paragraph, but it is in order to amend by striking out a portion of the words specified.

Since the question has come before the House before, in Hinds' Precedents of the House of Representatives, volume V, 1907, page 389, section 5768, the Chair will quote from that decision as follows:

> 5768: When it is proposed to strike out certain words in a paragraph, it is not in order to amend by adding to them other words of the paragraph.—On April 3, 1902, the bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service was under consideration in Committee of the Whole House on the state of the Union, when the following paragraph was read:
>
> Sec. 8. That when any commissioned officer is retired from active service, the next officer in rank shall be promoted according to the established rules of the service, and the same rule of promotion shall be applied successively to the vacancies consequent upon such retirement.
>
> Mr. James R. Mann, of Illinois, moved to strike out the words "according to the established rules of the service."
>
> Mr. John F. Lacy, of Iowa, moved to amend the amendment by adding to the words proposed to be stricken out other words in the context of the paragraph.
>
> The Chairman held that the amendment of Mr. Lacey should be offered as an independent amendment rather than as an amendment to the amendment.

For the reasons stated, the point of order of the gentleman from Minnesota is sustained.

§ 17.28 Where there is pending an amendment striking out a portion of a pending text, an amendment to strike out additional language of the text should be offered as a separate amendment to the text and not as an amendment to the first amendment.

The proceedings of June 2, 1976, are discussed in § 17.27, supra.

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[6] Frank E. Evans (Co.).

Offering Amendment To Strike Section Which Has Been Perfected

§ 17.29 An amendment proposing to strike out a section which has been perfected, but not changed in its entirety, is in order.

On July 25, 1946,(7) the following proceedings took place:

> Amendment offered by Mr. [Ellsworth B.] Buck [of New York]: On page 93, line 13, strike out section 601, paragraphs (a) and (b). . . .
>
> Mr. [Emmet] O'Neal [of Kentucky]: It is my understanding that the language in the bill has been amended. The amendment offered by the gentleman from New York is to strike out the original language, which has been amended. Therefore, the language of the amendment is not in proper form.
>
> The Chairman:(8) The amendment is to strike out the section as amended. The point of order is overruled.

Effect of Adopting Motion To Strike Perfected Title

§ 17.30 If the pending title of a bill is perfected by an amendment adding a new section thereto, and the Committee of the Whole thereafter agrees to a motion to strike out the entire title, the words added by the perfecting amendment are eliminated along with the rest of the title.

On Oct. 3, 1969,(9) the following proceedings took place:

> The Clerk read as follows:
>
> Motion offered by Mr. [Samuel S.] Stratton [of New York]: On page 16, line 9, strike all of Title V. . . .
>
> The Clerk read as follows:
>
> Amendment offered by Mr. [Andrew] Jacobs [Jr., of Indiana] to title V: On page 17, immediately after line 13 insert the following:
>
> "Sec. 505. (a) The Comptroller General of the United States. . . ."
>
> Mr. [Frank E.] Evans of Colorado: Mr. Chairman, if the amendment of the gentleman from Indiana passes, and thereafter the motion of the gentleman from New York passes, what is the status of the amendment of the gentleman from Indiana?
>
> The Chairman:(10) If the amendment offered by the gentleman from Indiana is agreed to and the motion offered by the gentleman from New York to strike the whole title is agreed to, then the amendment will be stricken.

Striking Amendment Already Agreed To

§ 17.31 While it is not in order to strike out an amendment al-

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7. 92 Cong. Rec. 10097, 79th Cong. 2d Sess. Under consideration was S. 2177, the legislative reorganization bill.

8. Howard W. Smith (Va.).

9. 115 Cong. Rec. 28454, 28455, 91st Cong. 1st Sess. Under consideration was H.R. 14000.

For further discussion of the proceedings, see § 15.3, supra.

10. L. Mendel Rivers (S.C.).

ready agreed to, it is in order by way of amendment to strike out a greater part of a paragraph which includes the amendment agreed to.

On Mar. 9, 1942,[11] the following exchange took place:

> MR. [MALCOLM C.] TARVER [of Georgia]: The Reed amendment was in the form of an additional proviso. The gentleman moves to strike out the first proviso, the one already in the bill, but I take the position that he cannot now move to strike out the additional proviso added by the Reed amendment.
>
> THE CHAIRMAN:[12] In answer to the parliamentary inquiry the Chair holds that it is in order to strike out the language of the Reed amendment together with the other language already in the bill, because it is simply an amendment to the language of the bill.

§ 17.32 It is not in order to strike out an amendment already agreed to, but a part of the paragraph which includes the amendment may be stricken to insert language of a different meaning.

On July 28, 1953,[13] a bill[14] was under consideration which related to an emergency immigration program. The phrase "two hundred and thirty-six thousand" referring to the number of special visas to be issued under the immigration laws had been amended by striking out the words "thirty-six" and inserting "thirteen." Subsequently, an amendment striking out the entire phrase "two hundred and thirty-six thousand" and inserting in lieu thereof "two hundred and forty-six thousand" was ruled in order as striking out language "comprehending the amendment formerly adopted" and inserting new language.

§ 17.33 It is not in order to offer an amendment merely striking out an amendment previously agreed to.

On Aug. 1, 1975,[15] during consideration of a bill[16] in the Committee of the Whole, a point of order against an amendment was sustained as follows:

> The Clerk read as follows:
>
> > Amendment offered by Mr. Brown of Ohio: Strike out Title III, as amended, and reinsert all except for Section 301, as amended. . . .

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[11] 88 CONG. REC. 2139, 2140, 77th Cong. 2d Sess. Under consideration was H.R. 6709, the agriculture appropriation bill for 1943.

[12] Robert Ramspeck (Ga.).

[13] 99 CONG. REC. 10195, 83d Cong. 1st Sess.

[14] H.R. 6481.

[15] 121 CONG. REC. 26945-47, 94th Cong. 1st Sess.

[16] H.R. 7014, Energy Conservation and Oil Policy Act of 1975.

Mr. [Bob] **Eckhardt** [of Texas]: Mr. Chairman, I raise a point of order against the amendment.

The Chairman:[17] The gentleman will state it.

Mr. Eckhardt: . . . [A]lthough it may have been appropriate to offer a substitute for all of title III, this amendment does not restate the language which should have been contained in such substitute. If the gentleman has attempted to offer a substitute which comprised the language adopted by this committee in sections 302, 303, 304, 305, 306, and 307, it would have been incumbent upon him to reduce the same to writing and to introduce it in such a manner that we would have had a complete amendment before us instead of in effect offering at this late date, after a new section 301 was adopted, a motion to strike that section 301. . . .

Mr. [John D.] **Dingell** [of Michigan]: . . . In pressing the point of order, I must commend my colleague, the gentleman from Ohio (Mr. Brown), for a most masterful piece of draftsmanship. Nevertheless, his draftsmanship and his display of rare talent to the contrary notwithstanding, the gentleman's draftsmanship does violate the rules. What the gentleman attempts to do here is simply to undo an amendment which was previously agreed to by the House. . . .

Mr. [Clarence J.] **Brown** of Ohio: Mr. Chairman, I will say that this does not place before the House the same question that existed prior to the vote on the Staggers amendment. This places before the House the question of whether this title, with all the amendments taken together as they have been added to the title, except the Staggers amendment, should now be accepted. It does in fact raise a different question. . . .

Mr. Eckhardt: Mr. Chairman, the posture is this: The bill contained section 301, stricken by the Wilson amendment, at which point the Krueger amendment was offered as an amendment to reinstate section 301. The Staggers amendment was then offered as a substitute to replace the Krueger amendment.

Therefore, we completed 301, we acted upon 301, and had a complete body of law on 301.

It was at that time that the gentleman from Ohio (Mr. Brown) might have attacked the Staggers amendment and sought to defeat it or, actually, the Krueger amendment, as amended by the Staggers amendment. He did not do so, other than to merely vote against it. Of course, that was the proper way to attack it, but what he is attempting to do now is merely to come in at this late point and seek to strike an amendment which was adopted by the House. Section 301 was at that time completed.

Mr. Chairman, he is not offering here a substitute in any proper form. . . .

Mr. Brown of Ohio: Mr. Chairman, I would like to cite from page 351 of Deschler's Procedure in the House of Representatives, section 28.9, as follows:

> After agreeing to several amendments to section 1 of a bill, the Committee of the Whole agreed to a motion to strike out and insert a new section which included some of

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[17] Richard Bolling (Mo.).

the amendments agreed to, but omitted one of them. . . .

The Chairman: The Chair is prepared to rule.

The fact of the matter is that the original section 301 has been stricken from the bill and replaced by another section 301, and the amendment in effect deletes the new 301. The gentleman's amendment makes no change in the original text of title III. Under the rules and the practice of the House of Representatives, it is not in order to strike out an amendment that has been adopted or to offer an amendment in the form of the pending amendment which accomplishes solely that result—Cannon's VIII, §§ 2851-54.

Therefore, the Chair sustains the points of order.

Striking More Than Insertion

§ 17.34 Although it is not in order to propose to strike out an amendment already agreed to, an amendment striking out not only an amendment previously agreed to but also additional portions of the bill is in order.

Where the first section of a title of a bill being read by titles was modified by striking that section and inserting new language, an amendment to strike that section and two additional sections of that title not so altered was held in order. The proceedings on Aug. 1, 1975,[18] were as follows:

Mr. [Clarence J.] Brown of Ohio: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Brown of Ohio: Strike out sections 301, 302, 303.
>
> Renumber the succeeding sections of title III accordingly. . . .

Mr. [John D.] Dingell [of Michigan]: Mr. Chairman . . . I renew simply the point of order that I had made earlier against the prior amendment by observing that this is again an attempt to undo actions taken already by the House, as the Chair well noted when it ruled just now on the prior attempt to remove section 301, which failed. . . .

Mr. Brown of Ohio: . . . Mr. Chairman, this amendment does not stand on the same point that the previous amendment stood on. This amendment strikes two additional sections, sections 302 and 303. The present section 303 in the title has not been touched by amendment during the amending process, the prohibition on pricing facts being sent to the President, and is a section which has not been amended by the Committee of the Whole during consideration of title III. . . .

Mr. [Bob] Eckhardt [of Texas]: Mr. Chairman, I believe the gentleman from Ohio misconceives the basis of the original point of order, since this amendment includes the striking of a section of the bill that has been completed, and has been amended and completed and includes another section of the bill that has been amended and completed. It is for those reasons subject to a point of order. The fact that it may include other matter that has not been amended and completed does not free it from the objection raised on the first point of order.

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[18] 121 Cong. Rec. 26947, 94th Cong. 1st Sess. Under consideration was H.R. 7014, Energy Conservation and Oil Policy Act of 1975.

THE CHAIRMAN:(19) The Chair is ready to rule.

As to the argument on the amendment by the gentleman from Texas, the Chair feels that it will disagree with that.

The Chair now refers to volume 8, page 446, section 2855 of Cannon's Precedents. It states that while an amendment which has been agreed to may not be modified, a proposition to strike that language from the bill with other language of the original text is in order.

Some language of the original text remains in section 303. Therefore the point of order raised by the gentleman from Michigan (Mr. Dingell) is not good, and the Chair overrules the point of order.

Amendment in Nature of Substitute

§ 17.35 Where an amendment in the nature of a substitute for several paragraphs of an appropriation bill has been offered, with notice that if it is agreed to motions will then be made to strike out the following paragraphs as they are read, such paragraphs are subject to perfecting amendment, as well as to the motion to strike, when read.

In the 91st Congress, an amendment in the nature of a substitute for several paragraphs of an appropriation bill(20) was offered(1) by Mr. Charles S. Joelson, of New Jersey, in the manner described above. A substitute amendment therefor was offered by Mr. Robert H. Michel, of Illinois.(2)

Subsequently, the following exchange took place:

> MR. [ALBERT H.] QUIE [of Minnesota]: If the substitute amendment of the gentleman from Illinois prevails, is the remainder of the title still open to amendment, which would have been amended if the amendment offered by the gentleman from New Jersey (Mr. Joelson) had prevailed?
>
> THE CHAIRMAN:(3) If the substitute amendment offered by the gentleman from Illinois is agreed to and the Joelson amendment as thereby amended is agreed to, then there are some remaining paragraphs which have not been read and they would be next for consideration and subject to amendment. . . .
>
> MR. JOELSON: If the gentleman's amendment should carry, what would he move to delete?
>
> THE CHAIRMAN: If action is taken on the Michel substitute amendment and it is agreed to, and then the Joelson amendment is agreed to, then we would proceed to read the succeeding

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19. Richard Bolling (Mo.).

20. H.R. 13111.

1. 115 CONG. REC. 21218, 91st Cong. 1st Sess., July 29, 1969.

2. *Id.* at p. 21221.

3. Chet Holifield (Calif.).

paragraphs which have not been read and amendments of various kinds may be made to those paragraphs.

Striking Part of Section After Rejection of Motion To Strike Entire Section

§ 17.36 A motion to strike out a part of a section is in order notwithstanding defeat of a previous motion to strike out the entire section.

On July 20, 1956,(4) a bill(5) was under consideration to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States. A point of order having been made against an amendment to the bill, the proponent of the amendment stated as follows:

> MR. [RICHARD H.] POFF [of Virginia]: . . . [A]s I understand the rules of the House, a point of order would not lie inasmuch as the amendment which was just offered went to the whole section titled 121 and, having been rejected by the committee, my amendment which goes only to a portion of that title would be in order.

The Chairman(6) overruled the point of order.

Striking Language That Has Been Ruled Out of Order

§ 17.37 After language in an appropriation bill has been ruled out as legislation, an amendment to strike out that same language cannot be entertained.

On Feb. 5, 1957,(7) a bill(8) was under consideration comprising urgent deficiency appropriations for the fiscal year ending June 30, 1957.

An amendment was offered, as follows:

> Substitute amendment offered by Mr. [Gordon L.] McDonough [of California]: On page 5, line 7, strike out all after the semicolon.

The Chairman(9) stated:

> That is not a substitute amendment, because that language has been stricken out on the point of order raised by the gentlewoman from Oregon and sustained by the Chair. That language is not in the bill at the moment.

§ 18. Substitute Amendments

A "substitute" is a substitute for an amendment, and not a substitute for the original text. Of

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4. See the proceedings at 102 CONG. REC. 13732, 13736, 84th Cong. 2d Sess.
5. H.R. 627.
6. Aime J. Forand (R.I.).
7. 103 CONG. REC. 1550, 85th Cong. 1st Sess.
8. H.R. 4249.
9. Wilbur D. Mills (Ark.).

course, substitute amendments are amendments and as such are themselves subject to amendment.(10)

A substitute for a motion to strike out is not in order.(11) Nor is a motion to strike out in order as a substitute for a pending motion to strike out and insert,(12) or for a perfecting amendment to text generally.(13)

Defined

§ 18.1 A "substitute" is a substitute for an amendment and not a substitute for the original text.

On July 26, 1955,(14) the following proceedings took place:

> Mr. [J. Harry] McGregor [of Ohio]: Mr. Chairman, a point of order. I make a point of order that the substitute amendment is not in order. It is a substitute to the substitute.
>
> The Chairman:(15) The Chair will advise the gentleman from Ohio that it is offered as a substitute to the amendment offered by the gentleman from Michigan [Mr. Dondero].
>
> Mr. McGregor: Then, if I understand the gentleman correctly, the gentleman from Michigan did not offer a substitute, but offered an amendment; is that correct?
>
> The Chairman: The gentleman from Michigan [Mr. Dondero] offered a motion to strike out and insert, which is . . . an original amendment.

When To Offer

§ 18.2 In the Committee of the Whole, the proper time to offer a substitute for an amendment is after the amendment has been read and the Member offering it has been permitted to debate it under the five-minute rule.

On Aug. 3, 1966,(16) during consideration of H.R. 14765, the Civil Rights Act of 1966, Mr. Charles M. Mathias, Jr., of Maryland, sought to offer an amendment:

> Mr. Mathias: Mr. Chairman, I offer a perfecting amendment.
>
> The Chairman:(17) The Clerk will report the amendment.
>
> Mr. [Clark] MacGregor [of Minnesota]: Mr. Chairman, a parliamentary inquiry.

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10. See, for example, § 15.29, supra.
11. See § 18.8, infra.
12. See § 17.18, supra.
13. See § 17.17, supra.

    If a motion to strike out and insert is rejected, the simple motion to strike out is then in order. See § 17.16, supra.
14. 101 Cong. Rec. 11565, 84th Cong. 1st Sess. Under consideration was H.R. 7474, to amend and supplement the Federal Aid Road Act, as amended, etc.
15. Eugene J. Keogh (N.Y.).
16. 112 Cong. Rec. 18114, 18115, 89th Cong. 2d Sess.
17. Richard Bolling (Mo.).

THE CHAIRMAN: The gentleman will state it.

MR. MACGREGOR: Mr. Chairman, when will it be in order for me to seek recognition for the purpose of offering an amendment in the nature of a substitute to the Mathias perfecting amendment?

THE CHAIRMAN: It will be in order for the gentleman from Minnesota to offer such an amendment after the gentleman from Maryland has concluded his remarks on his amendment.

[Several parliamentary inquiries here intervened.]

MR. MATHIAS: Was I not recognized, Mr. Chairman?

THE CHAIRMAN: The Clerk has not yet reported the amendment. The Clerk will report the amendment. . . .

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: Will the gentlemen who desire to make parliamentary inquiries allow the Clerk to report the amendment?

The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Mathias: On page 65, after line 14, insert the following:
>
> "(e) Nothing in this section shall prohibit, or be construed to prohibit, a real estate broker, agent, or salesman, or employee or agent of any real estate broker, agent, or salesman from complying with the express written instruction of any person not in the business of building, developing, selling, renting, or leasing dwellings, or otherwise not subject to the prohibitions of this section pursuant to subsection (b) or (c) hereof, with respect to the sale, rental, or lease of a dwelling owned by such person, if such instruction was not encouraged, solicited, or induced by such broker, agent, or salesman, or any employee or agent thereof."

THE CHAIRMAN: The gentleman from Iowa.

MR. GROSS: Mr. Chairman, is a moving of the previous question on the Moore amendment in order at this time?

THE CHAIRMAN: The motion is not in order in the Committee of the Whole.

The gentleman from Maryland [Mr. Mathias] is recognized for 5 minutes.

§ 18.3 As long as the Chair has not put the question on an amendment, a substitute is in order therefor, notwithstanding the expiration of debate time.

An example of the proposition described above occurred on June 14, 1979,(18) during consideration of H.R. 4388(19) in the Committee of the Whole. The Committee had agreed to limit debate on an amendment, as amended, and the Chair had announced the expiration of all time for debate. The proceedings were as follows:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I offer an amendment as a substitute for the amendment, as amended. . . .

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18. 125 CONG. REC. 14993, 14994, 96th Cong. 1st Sess.

19. The Energy and Water Development Appropriation Bill for fiscal year 1980.

Mr. [Tom] Bevill [of Alabama]: Mr. Chairman, on the amendment, as amended, I ask for a rollcall vote.

The Chairman:(20) The Chair has not yet put the question on the amendment, as amended.

Mr. Bevill: I ask for a vote then.

Mr. Dingell: Mr. Chairman, I happen to have an amendment in the nature of a substitute.

The Chairman: The Chair had recognized the gentleman from Michigan and asked him for what purpose he sought recognition. The gentleman indicated that he had an amendment.

Mr. [Mike] McCormack [of Washington]: Mr. Chairman, a point of order.

The Chairman: The gentleman will state it.

Mr. McCormack: Mr. Chairman, when the gentleman from Alabama, the chairman of the subcommittee, requested an agreement to end debate, there was no objection on the amendment and amendments thereto. At that point the vote was put.

I suggest to the Chair that it is in order now to vote on the amendment.

Mr. Dingell: Mr. Chairman, I have an amendment I desire to offer as a substitute at this time.

The Chairman: The Chair will indicate to the gentleman from Washington that we are operating under a time limit; however, that does not exclude the possibility of offering an amendment as a substitute, though no debate will be in order in the absence of a unanimous-consent request.

Therefore, the Clerk will read the amendment.

§ 18.4 While there is pending an amendment in the nature of a substitute and an amendment thereto, a substitute for the original amendment may be offered.

On Dec. 18, 1979,(1) the Committee of the Whole having under consideration H.R. 5860,(2) the above-stated proposition was illustrated as indicated below:

The Clerk read as follows:

> Amendment offered by Mr. Brademas to the amendment in the nature of a substitute offered by Mr. Moorhead of Pennsylvania: Strike line 7, page 5, through line 7, page 9, (section 4(a)(4) through section 4(d)) and replace with the following:
>
> (4) the Corporation has submitted to the Board a satisfactory financing plan which meets the financing needs of the Corporation as reflected in the operating plan for the period covered by such operating plan, and which includes, in accordance with the provisions of subsection (c), an aggregate amount of nonfederally guaranteed assistance of not less than $1,930,000,000. . . .

Mr. [William S.] Moorhead of Pennsylvania: If the gentleman from Indiana (Mr. Quayle) should decide to offer his substitute to the Moorhead-McKinney amendment before the vote on the Brademas amendment, it would be in order, would it not?

The Chairman:(3) It would be in order to offer it. . . .

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20. Philip R. Sharp (Ind.).

1. 125 Cong. Rec. 36794, 36801, 96th Cong. 1st Sess.
2. Authorizing loan guarantees to the Chrysler Corporation.
3. Richard Bolling (Mo.).

AMENDMENT OFFERED BY MR. QUAYLE AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MOORHEAD OF PENNSYLVANIA

MR. [DAN] QUAYLE [of Indiana]: Mr. Chairman, I offer an amendment as a substitute for the amendment in the nature of a substitute.

What Is a Proper Substitute—Amendment Perfecting Another Portion of Section

§ 18.5 **For a perfecting amendment to a section of a bill, an amendment to perfect another portion of the section may not be offered as a substitute, but should be offered separately after the first perfecting amendment is disposed of.**

On Oct. 10, 1974,(4) during consideration in the Committee of the Whole of a bill,(5) the following proceedings occurred:

The Clerk read as follows:

> Sec. 2. The National Visitor Center Facilities Act of 1968, as amended, is further amended by revising section 102(a)(3) to read as follows:
>
> "(3) The Company, in consultation with the Secretary, shall construct all or part of a parking facility. . . .
>
> Sec. 3. Section 102(c) of the National Visitor Center Facilities Act of 1969 is amended by striking out "$8,680,000" and inserting in lieu thereof "$21,580,000".

MR. [KENNETH J.] GRAY [of Illinois]: Mr. Chairman, I offer an amendment which is a technical amendment.

The Clerk read as follows:

> Amendment offered by Mr. Gray: Page 2, line 9, strike out "1969" and insert in lieu thereof "1968.". . .

MR. GRAY: Mr. Chairman, I will explain the amendment. It only changes the date which is a typographical error on the part of the printer. In referring to the National Visitors Center Facilities Act the printer inserted "1969" instead of "1968." It is a technical error.

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, I offer an amendment as substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Gross as a substitute for the amendment offered by Mr. Gray: On page 2, line 10, strike out $21,580,000" and insert in lieu thereof "$8,780,000".

THE CHAIRMAN:(6) The Chair will advise the gentleman from Iowa the amendment is not in order as a substitute, but the gentleman can offer it separately.

The question is on the amendment offered by the gentleman from Illinois (Mr. Gray).

The amendment was agreed to.

MR. GROSS: Mr. Chairman, I now offer my amendment.

The Clerk read as follows:

> Amendment offered by Mr. Gross: On page 2, line 10, strike out "$21,580,000" and insert in lieu thereof "$8,780,000".

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4. 120 CONG. REC. 35177, 93d Cong. 2d Sess.
5. H.R. 17027, to amend the National Visitor Center Facilities Act.
6. Lucien N. Nedzi (Mich.).

—*Substitute Broadening Scope of Amendment to Which Offered*

§ 18.6 For an amendment inserting new text in a bill, a proposition not only inserting similar language but also striking out original text of the bill may not be in order as a substitute, where the portion striking original text has the effect of broadening the scope of the amendment to which it is offered and therefore violating the germaneness rule.

On Sept. 8, 1976,(7) the Committee of the Whole had under consideration H.R. 10498, the Clean Air Act Amendments of 1976:

> Sec. 108. (a) Title I of the Clean Air Act (42 U.S.C. 1857 and following), as amended by section 107 of this Act, is further amended by adding at the end thereof the following new subtitle: . . .

Amendments were offered, as follows:(8)

> Amendment offered by Mr. Rogers: Page 216, after line 23, insert:
>
> (f) The Clean Air Act, as amended by sections 306, 201, 304, 312, 313, 108, and 211 of this Act, is further amended by adding the following new section at the end thereof:
>
> "NATIONAL COMMISSION ON AIR QUALITY
>
> "Sec. 325. (a) There is established a National Commission on Air Quality which shall study and report to the Congress. . . .

MR. [BILL] CHAPPELL [Jr., of Florida]: Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from Florida (Mr. Rogers).

The Clerk read as follows:

> Amendment offered by Mr. Chappell as a substitute for the amendment offered by Mr. Rogers: Page 198, line 5, after section 108, strike out everything following Sec. 108 and insert the following:
>
> Sec. 108. The Clean Air Act is amended by inserting a new section 315 and renumbering succeeding sections accordingly:
>
> "NATIONAL COMMISSION ON AIR QUALITY
>
> "Sec. 315(a) There is established a National Commission on Air Quality which shall study and report to the Congress on:
>
> "(1) the effects of any existing or proposed policy on prohibiting deterioration of air quality in areas identified as having air quality better than that required under existing or proposed national ambient standards on employment . . . the relationship of such policy to the protection of the public health and welfare as well as other national priorities such as economic growth and national defense and its other social and environmental effects. . . .

MR. [PAUL G.] ROGERS [of Florida]: Mr. Chairman, I reserve a point of order against the amendment offered as a substitute for my amendment.

THE CHAIRMAN:(9) Does the gentleman from Florida (Mr. Rogers) wish to be heard on the point of order?

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7. 122 CONG. REC. 29225, 94th Cong. 2d Sess.
8. *Id.* at pp. 29234, 29237.
9. J. Edward Roush (Ind.).

Mr. Rogers: Mr. Chairman, I would insist that at this time, not that I would object to the unanimous-consent request, but probably we should vote on my amendment and the amendment of the gentleman from New Jersey first and then allow the gentleman from Florida to offer his amendment as a substitute for the section.

May I say the reason why this is not simply an amendment to the Rogers amendment, or a substitute for it; rather, it goes far beyond striking the Rogers amendment. It strikes the whole section of the bill and simply adds the same amendment, so I would think it is not germane at this time. . . .

Mr. Chappell: Mr. Chairman, as I see the situation, the Rogers amendment seeks to add a provision to section 108.

Mr. Chairman, as I see my amendment, it is in substitute to that and seeks to strike the wording of section 108 which it is attempting to amend, so I think it is clearly a proper substitute amendment.

The Chairman: Does the gentleman from Kentucky wish to be heard on the point of order?

Mr. [Tim Lee] Carter [of Kentucky]: I do, Mr. Chairman.

Mr. Chairman, I agree with the distinguished gentleman from Florida (Mr. Rogers). My good friend, the chairman of the subcommittee, stated that the amendment was to his amendment. His amendment has not been accepted, and of course the Chappell amendment does not amend it. It is an original amendment, Mr. Chairman, of a substitute to section 108 of the bill. Therefore, I should think it would be in order.

The Chairman: The Chair is prepared to rule.

The gentleman from Florida (Mr. Rogers) correctly stated the situation. His amendment calls for a study and inserts a new subsection in section 108. The Chappell amendment is much broader, and does deal with the standards which are set out in this particular section of the bill, while the Rogers amendment merely adds the study.

The Chair would, in support of the ruling the Chair is about to make, refer to Cannon's Precedents of the House of Representatives, page 457, section 2880, wherein it is stated:

> An amendment striking out language other than in the pending amendment is not in order as a substitute for an amendment inserting language.

The Chair would further point to a ruling set out on page 456 of the same volume, in section 2879, entitled "A decision as to what constitutes a substitute":

> To qualify as substitute an amendment must treat in the same manner the same subject matter carried by the text for which proposed.

The Chair therefore sustains the point of order, and would advise the gentleman from Florida (Mr. Chappell) that his amendment might be in order after the Rogers amendment and the amendment thereto have been disposed of.

—*Amendment Making Perfecting Changes in Bill Rather Than Amendment to Which Offered*

§ 18.7 To an amendment adding a new section to a bill, an amend-

ment making perfecting changes in the bill rather than in the amendment is not a proper perfecting amendment, but, if germane, may be offered as a substitute for the original amendment.

On Apr. 26, 1984,(10) the Committee of the Whole having under consideration H.R. 5172,(11) the above-stated proposition was illustrated as indicated below:

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Walker: On page 9, following line 17, add the following new section:
>
> "Sec. 205. Of the sums authorized pursuant to this title, each such sum is hereby reduced by 6.2 percent.". . .

MR. [JUDD] GREGG [of New Hampshire]: Mr. Chairman, I offer a perfecting amendment to the amendment offered by the gentleman from Pennsylvania (Mr. Walker). . . .

The Clerk read as follows:

> Perfecting amendment offered by Mr. Gregg to the amendment offered by Mr. Walker:
>
> On page 4, line 21, strike "$57,948,000" and insert in lieu thereof the following, "$52,030,000". . . .

MR. [DON] FUQUA [of Florida]: Mr. Chairman, the amendment that I understand the gentleman offers as an amendment and a perfecting amendment to the amendment offered by the gentleman from Pennsylvania (Mr. Walker), the Walker amendment, as I read it, adds a new section.

Therefore, this perfecting amendment would not be in order to the Walker amendment as a perfecting amendment.

It appears to be a substitute for the Walker amendment, but it is being offered as a perfecting amendment to the Walker amendment.

THE CHAIRMAN:(12) Does the gentleman from New Hampshire offer his amendment as a substitute or as a perfecting amendment?

MR. GREGG: Mr. Chairman, I will offer the amendment as a substitute.

—Substitute for Motion To Strike

§ 18.8 A substitute for a motion to strike out is not in order.

On Jan. 21, 1964,(13) the following proceedings took place:

The Clerk read as follows:

> Amendment offered by Mr. [Adam C.] Powell [of New York]: On page 3, strike out lines 8 through 16. . . .

MR. [ALBERT H.] QUIE [of Minnesota]: Mr. Chairman, I offer a substitute.

THE CHAIRMAN:(14) The Chair will advise the gentleman from Minnesota

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10. 130 CONG. REC. 10212, 10213, 98th Cong. 2d Sess.
11. National Bureau of Standards Authorization Bill.
12. William B. Richardson (N. Mex.).
13. 110 CONG. REC. 757, 88th Cong. 2d Sess. Under consideration was H.R. 4879.
14. William S. Moorhead (Pa.).

that his amendment is not in order at this time. We will have to vote on the pending amendment first.

§ 18.9 When a motion to strike out is pending, it is not in order to offer a substitute therefor; but a perfecting amendment to the text may be offered.

On Mar. 13, 1958,(15) the following proceedings took place:

> Amendment offered by Mr. [Victor L.] Anfuso [of New York]: On page 2, strike out section 2.
>
> MR. [CLIFFORD G.] MCINTIRE [of Maine]: Mr. Chairman, I have a substitute amendment at the Clerk's desk for the Anfuso amendment.
>
> THE CHAIRMAN:(16) It is not in order to offer a substitute for a motion to strike out. The gentleman may offer his amendment as a perfecting amendment.

§ 18.10 A substitute for a motion to strike out is not in order, but a perfecting amendment may be offered when a motion to strike out certain language is pending.

On Apr. 3, 1957,(17) the following proceedings took place:

> Amendment offered by Mr. [Lee] Metcalf [of Montana]: On page 27, line 19, after "June 30, 1959:", strike out the remainder of line 19 and all of line 20 and change the semicolon to a period.
>
> MR. [MELVIN R.] LAIRD [of Wisconsin]: Mr. Chairman, I offer a substitute amendment.
>
> THE CHAIRMAN:(18) A substitute is not in order to a motion to strike out. The gentleman can offer a perfecting amendment to the paragraph.

—Motion To Strike Out Not Proper Substitute

§ 18.11 To an amendment proposing to add new language in a paragraph, an amendment proposing to strike out the portion of the paragraph sought to be amended along with additional language of such paragraph is not a proper substitute.

On Mar. 5, 1948,(19) the following proceedings took place:

> Amendment offered by Mr. [Francis E.] Walter [of Pennsylvania]: On page 72, line 10, after "referee", insert "appointed," and after "place" where it first appears in line 10 insert "created since June 23, 1946."

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15. 104 CONG. REC. 4325-27, 85th Cong. 2d Sess. Under consideration was H.R. 376, to amend the Commodity Exchange Act to prohibit trading in onion futures in commodity exchanges.
16. Wayne N. Aspinall (Colo.).
17. 103 CONG. REC. 5027, 5029, 85th Cong. 1st Sess. Under consideration was H.R. 6287, making appropriations for the Departments of Labor, Health, Education, and Welfare, etc.
18. Aime J. Forand (R.I.).
19. 94 CONG. REC. 2243, 2244, 80th Cong. 2d Sess. Under consideration was H.R. 5607, the State, Justice, Commerce, and Judiciary Appropriation Bill for 1949.

Mr. [Chauncey W.] Reed of Illinois: Mr. Chairman, I offer a substitute for the amendment offered by the gentleman from Pennsylvania. . . .

Amendment offered by Mr. Reed of Illinois: On page 72, line 8, strike out all of lines 8, 9, 10, and 11.

The Chairman:[20] The Chair would inform the gentleman that is not a proper substitute for the pending amendment. The gentleman may offer this amendment later.

§ 18.12 A motion to strike out a portion of a section is not in order as a substitute for a perfecting amendment to that section.

On June 5, 1974,[1] the Committee of the Whole was considering H.R. 14747, to amend the Sugar Act of 1948. An amendment was pending which sought to insert an additional labor standard to those contained in a section of the bill. A motion to strike out a portion of the section was offered as a substitute for the pending amendment, but was ruled out as not a proper substitute for the perfecting amendment, and, furthermore, as not germane, in that it went beyond the scope of the perfecting amendment.

Mr. [James G.] O'Hara [of Michigan]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. O'Hara: Page 18, after line 5, insert:
>
> (5) That the producer who compensates workers on a piece-rate basis shall have paid, at a minimum, the established minimum hourly wage.

Mr. [Steven D.] Symms [of Idaho]: Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from Michigan (Mr. O'Hara).

The Clerk read as follows:

> Amendment offered by Mr. Symms as a substitute for the amendment offered by Mr. O'Hara: In lieu of the amendment offered by the gentleman from Michigan insert the following: "Section 11 of the bill, page 15, strike out all of line 11 through line 6 of page 17 and renumber the '(3)' on line 7, page 17 as '(1)', and strike out line 15 on page 17 through line 5 on page 18.". . .

Mr. O'Hara: Mr. Chairman, I make a point of order against the amendment in that it is not germane to the provisions of my amendment. It deals with different parts of section 11. . . .

Mr. Symms: . . . Mr. Chairman, this amendment is germane to the gentleman's amendment. It strikes it and all the labor provisions from the bill.

The Chairman (Mr. [James J.] Burke of Massachusetts): It is the ruling of the Chair that the amendment offered by the gentleman from Idaho (Mr. Symms) as a substitute for the amendment offered by the gentleman from Michigan (Mr. O'Hara) is not a proper substitute. The substitute would strike portions of section 11 not affected by the pending amendment. And, the substitute is broader in scope than the amendment to which offered and is not germane thereto. The Chair sustains the point of order.

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[20] Carl T. Curtis (Nebr.).

[1] 120 Cong. Rec. 17868, 17869, 93d Cong. 2d Sess.

§ 18.13 A motion to strike out an entire subsection of a bill is not a proper substitute for a perfecting amendment to the subsection, since it is broader in scope, but may be offered after disposition of the perfecting amendment.

On Sept. 23, 1982,(2) it was demonstrated that, for a perfecting amendment to a subsection striking out one activity from those covered by a provision of existing law, a substitute striking out the entire subsection, thereby eliminating the applicability of existing law to a number of activities, was not in order. The proceedings in the Committee of the Whole during consideration of H.R. 5540(3) were as follows:

MR. [BRUCE F.] VENTO [of Minnesota]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Vento: Page 41, line 24, strike out ", or the installation of equipment,".
>
> Page 42, beginning on line 15, strike out ", or the installation of equipment,".

MR. [JOHN N.] ERLENBORN [of Illinois]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Erlenborn as a substitute for the amendment offered by Mr. Vento: Beginning on page 41, line 22, strike all of subsection (m) through page 43, line 2.

MR. VENTO: Mr. Chairman, I make a point of order against the amendment offered as a substitute by the gentleman from Illinois (Mr. Erlenborn). . . .

[T]he substitute offered by the gentleman is clearly not in order. Under rule 19, Cannon's Procedure VIII, section 2879, the precedents provide that "to qualify as a substitute an amendment must treat in the same manner the same subject carried by the amendment for which it is offered."

My amendment would remove language from the committee bill and limit the applicability of the Davis-Bacon Act in terms of one type of activity. The gentleman's substitute would strike the entire section of the committee bill which my amendment seeks to perfect and thereby eliminate the Davis-Bacon provisions of this legislation.

In this case, the amendment offered by the gentleman clearly does not treat the subject in the same manner which my amendment does. Also, under Deschler's Procedure, chapter 27, section 14.1, decisions made by the Chair on August 12, 1963, December 16, 1963, and June 5, 1974, a motion to strike out a section of paragraph is not in order while a perfecting amendment is pending. In addition, the decisions of the Chair of December 16, 1963, and June 5, 1974, and contained in

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2. 128 CONG. REC. 24963, 24964, 97th Cong. 2d Sess.
3. Defense Industrial Base Revitalization Act.

Deschler's Procedure, chapter 27, section 14.4, provides that a provision must be perfected before the question is put on striking it out. A motion to strike out a paragraph or section may not be offered as a substitute for pending motion to perfect a paragraph or section by a motion to strike and insert. The gentleman's amendment attempts to accomplish indirectly something that he is precluded from doing directly. . . .

Mr. Erlenborn: . . . The language to which both amendments are directed is language in the bill that is applying the Davis-Bacon Act to activities under the bill in question. The amendment offered by the gentleman is reducing the extent of that coverage by taking out the installation of equipment.

My substitute also reduces that by eliminating the language so there would be no extension of Davis-Bacon to the activities beyond the present coverage of Davis-Bacon.

So the amendment that has been offered by the gentleman from Minnesota (Mr. Vento) is affecting Davis-Bacon by reducing its coverage. Mine also would affect the reduction of Davis-Bacon, only in a broader manner; and I, therefore, believe the amendment is in order.

The Chairman:(4) The Chair is prepared to rule.

The Chair sustains the point of order of the gentleman from Minnesota (Mr. Vento) for the reasons advocated by the gentleman from Minnesota that the substitute is too broad in its scope in its striking the whole of subsection (m).

The Chair would say to the gentleman from Illinois (Mr. Erlenborn) it would be appropriate as a separate amendment but it is not in order as a substitute because of the scope of the amendment.

The point of order of the gentleman from Minnesota is sustained.

§ 18.14 An amendment proposing to strike out a section is not a proper substitute for a perfecting amendment to that section (to strike out and insert), but where no point of order is raised against the substitute, the Chair has nevertheless followed the principle that the pending text should first be perfected before the vote recurs on striking it out.

On July 22, 1976,(5) the Committee of the Whole having under consideration H.R. 13777, the Federal Land Policy and Management Act of 1976, the proceedings described above occurred as indicated below:

Amendment offered by Mr. [Bob] Eckhardt [of Texas]: On page 41, strike line 10 and all that follows through line 7 on page 43. Insert in lieu thereof the following:

Sec. 210(a)(1) The Secretary with respect to the commercial grazing of livestock on the public lands under the Taylor Grazing Act . . . shall charge, commencing with the calendar year

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4. Wyche Fowler, Jr. (Ga.).

5. 122 Cong. Rec. 23457, 23459, 23460, 94th Cong. 2d Sess.

1980, an annual fee or fees per animal unit month for such grazing which shall be the approximate fair market value of the forage provided. . . .

Mr. [Sidney R.] Yates [of Illinois]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Yates as a substitute for the amendment offered by Mr. Eckhardt: Page 41, strike out line 10 on page 41 and all lines thereafter on page 41. . . .

The Chairman:(6) The amendment offered by the gentleman from Texas (Mr. Eckhardt) is a perfecting amendment to section 210. The "substitute" offered by the gentleman from Illinois (Mr. Yates) is, in effect, a motion to strike the entire section against which no point of order was raised.

The first vote will be on the perfecting amendment offered by the gentleman from Texas (Mr. Eckhardt).

—Substitute Similar to Original Text

§ 18.15 For an amendment proposing to strike out an entire section of a proposition and insert new language, an amendment proposing to strike out that section and insert language similar but not identical to the original section was held in order as a proper substitute.

In a ruling on July 22, 1974,(7) the Chair applied the principle that a substitute for an amendment is in order so long as it is germane thereto and proposes to make some change in the original language being amended. Under consideration was an amendment to H.R. 11500, the Surface Mining Control and Reclamation Act of 1974.

Mr. [Craig] Hosmer [of California]: Mr. Chairman, I offer my amendment No. 15, according to rule XXIII, clause 6, to the committee amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment offered by Mr. Hosmer to the committee amendment in the nature of a substitute: Page 145, line 21. Strike out "Sec. 201." and insert a "Sec. 201." to read as follows: . . .

Mrs. [Patsy T.] Mink [of Hawaii]: Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from California (Mr. Hosmer) to the committee amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment offered by Mrs. Mink as a substitute for the amendment offered by Mr. Hosmer to the committee amendment in the nature of a substitute: Page 145, line 21, strike the entire section 201 and insert the following new section 201: . . .

Mr. Hosmer: Mr. Chairman, I make a point of order against the amendment, in that this is nothing more than a retread of the language that is already in the section 201 of [H.R.] 11500. This has only eight small changes in the total text, each of which could be handled by an amend-

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6. Robert N. Giaimo (Conn.).
7. 120 Cong. Rec. 24450, 24451, 24453, 93d Cong. 2d Sess.

ment, and no doubt even those amendments could be offered en bloc.

Yet we have here a subterfuge in order to blank out my original amendment through offering this as a substitute. Then there will be an up or down swoop on it from that standpoint.

Further than that, it would then preclude the offering of any further amendments on the language.

So, in essence, Mr. Chairman, this is a closure motion to take this with these minor amendments, and to take it or else. If this passes, there will be no further amendments in order to section 201 except those specific amendments selected by the gentlewoman to put into this substitute. . . .

MRS. MINK: . . . We have made changes to section 201, and unlike the comments that have been made in support of the point of order, further amendments would be possible on this substitute, as I understand it; so it is not the intention of the author or of this substitute to foreclose debate, but in an orderly way to consider all those that pertain to section 201 at this point in the debate, so that, for instance, title II is open for debate at any point. The use of a substitute will enable us to look at this one section and dispose of it. . . .

THE CHAIRMAN:(8) . . . The Chair is prepared to rule on the point of order. The Chair has examined the substitute, and no point of germaneness has been raised.

As long as it is germane, the gentlewoman from Hawaii is entitled to offer her amendment as a substitute if she desires to do so.

The Chair overrules the point of order.

—Amendment Perfecting Lesser Portion of Text as Substitute

§ 18.16 For an amendment perfecting a bill, an amendment germane to such amendment and perfecting a lesser portion of the same text is in order as a substitute.

On Feb. 1, 1978,(9) during consideration of H.R. 1614(10) in the Committee of the Whole, the Chair overruled a point of order against an amendment to an amendment as described above. The proceedings were as follows:

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Fish: Page 192, lines 15 and 16, strike out ", the Secretary of Labor,".
>
> Page 193, line 10, strike out "achievable" and insert in lieu thereof "feasible".
>
> Page 193, line 15, strike out "(1)".
>
> Page 193, strike out lines 16 through 22, and insert in lieu thereof "of this section, the Secretary of the Department in which the Coast Guard is operating shall promulgate regulations or standards applying to diving activities in the waters above the outer Continental Shelf, and to other unregulated hazardous work-

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8. Neal Smith (Iowa).

9. 124 CONG. REC. 1816-18, 95th Cong. 2d Sess.

10. The Outer Continental Shelf Lands Act amendments.

ing conditions for which he determines such".

Page 194, strike out lines 3 through 10.

Page 197, line —, strike out "Secretary of Labor" and insert in lieu thereof "Secretary of the Department in which the Coast Guard is operating. . . .

Mr. [John M.] Murphy of New York: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Murphy of New York as a substitute for the amendment offered by Mr. Fish: On page 193, strike lines 15 to 24 and on page 194 strike lines 1 to 3 and insert: "(c) Notwithstanding section 4(b)(1) of the Occupa-". . . .

Mr. Fish: Mr. Chairman, I reserve a point of order against the amendment. . . .

The Chairman:(11) Does the gentleman from New York (Mr. Fish) insist on his point of order?

Mr. Fish: Yes, Mr. Chairman. . . .

Mr. Murphy of New York: . . . Mr. Chairman, I would say that the substitute strikes a portion of the language; that the amendment of the gentleman clearly strikes a much larger area and, accordingly, would be in order. . . .

The Chairman: The Chair is ready to rule. In the opinion of the Chair, the substitute amendment offered by the gentleman from New York (Mr. Murphy) deals with a lesser portion of the bill than the gentleman from New York (Mr. Fish) desires to perfect, and as conceded by the gentleman from New York (Mr. Fish) in a more restricted fashion. The Murphy substitute deals only with interim regulations, while the Fish amendment deals with OSHA's role in promulgating both interim and final regulations.

Therefore, the Chair overrules the point of order and holds the substitute to be in order.

§ 18.17 A substitute for a pending amendment may be offered to change a different or lesser portion of the pending section if it relates to the same subject matter as the amendment.

On Aug. 1, 1978,(12) where a perfecting amendment offered to H.R. 12514 (foreign aid authorization for fiscal 1979) sought to make several changes in a pending section, a substitute adding language at the end of the section rather than striking and inserting within the section was held in order since relating to the same subject as the amendment. The substitute was offered, as follows:

Mr. [Edward J.] Derwinski [of Illinois]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Derwinski as a substitute for the amendment offered by Mr. Stratton: Page 18, immediately after line 4, insert the following new subsection:

(e) It is the sense of the Congress that further withdrawal of ground forces of the United States from the

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11. William H. Natcher (Ky.).

12. 124 Cong. Rec. 23732, 95th Cong. 2d Sess.

> Republic of Korea may seriously risk upsetting the military balance in that region and requires full advance consultation with the Congress. . . .

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, a point of order.

THE CHAIRMAN:(13) The gentleman will state his point of order.

MR. STRATTON: Mr. Chairman, do I understand that the gentleman's amendment is a substitute for my amendment.

THE CHAIRMAN: That is correct. It is a substitute for the amendment offered by the gentleman from New York.

MR. STRATTON: Mr. Chairman, unless I am mistaken, the gentleman has not bothered to look at my amendment. My amendment makes specific changes in the text in section 19. I am not clear where the gentleman's amendment would come in section 19. He cannot substitute a straight wording, as I understand it, for something that has a series of changes in 3 pages of a particular section.

MR. DERWINSKI: Mr. Chairman, my amendment would come at the end of section 19.

THE CHAIRMAN: The Chair might inform the gentleman from New York that it is a proper substitute amendment. Both the proposed amendment and the substitute are perfecting amendments to the section and deal with the same subject.

Amending Amendment in Nature of Substitute

§ 18.18 An amendment in the nature of a substitute for several paragraphs of an appropriation bill is subject to amendment by a substitute therefor.

On July 29, 1969,(14) the following proceedings took place:

MR. [CHARLES S.] JOELSON [of New Jersey]: Mr. Chairman, I offer an amendment to the paragraph just read which is a simple substitute to several paragraphs of the bill dealing with the Office of Education, and I hereby give notice that after the amendment is agreed to I will make a motion to strike out the paragraphs appearing as follows: the paragraph on page 26. . . .

MR. GERALD R. FORD [of Michigan]: A substitute for the amendment offered by the gentleman from New Jersey (Mr. Joelson) would be in order if offered by someone?

THE CHAIRMAN:(15) The Chair will state that a substitute for the amendment would be in order.

§ 18.19 Where a committee amendment in the nature of a substitute is pending and is open to amendment at any point, it is subject to a substitute therefor even after perfecting amendments have been adopted.

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13. Don Fuqua (Fla.).

14. 115 CONG. REC. 21218, 91st Cong. 1st Sess. Under consideration was H.R. 13111.

15. Chet Holifield (Calif.).

On Aug. 11, 1969,(16) the Chairman(17) responded to a parliamentary inquiry propounded by Mr. Brock Adams, of Washington:

> Mr. Adams: Is the [amendment in the nature of a] substitute which was passed by the committee, for the entire bill, presently pending before the House?
>
> The Chairman: The substitute amendment is presently pending before the House, and that substitute has been subsequently amended by the gentleman from South Carolina in one area.
>
> The Chair now recognizes the gentleman from Washington.
>
> Mr. Adams: Mr. Chairman, I offer . . . a substitute for the committee amendment.
>
> The Clerk read as follows:
>
>> Amendment offered by Mr. Adams as a substitute for the committee amendment: . . .

Motion To Strike All After Enacting Clause and Insert Other Language Not a Substitute

§ 18.20 A proposition, offered before other amendments are pending, which proposes to strike out all after the enacting clause and insert other language is an original amendment and not a substitute and as such may be amended by a substitute.

On Apr. 29, 1949,(18) the following exchange took place:

> Mr. [Francis H.] Case of South Dakota: Mr. Chairman, I make a point of order that the Wood amendment was offered as a substitute amendment, and that the gentleman from New York may not offer a substitute for the substitute. . . .
>
> The Chairman:(19) The Wood amendment is an original amendment in that it seeks to strike out and insert. The pending amendment is offered as a substitute for the Wood amendment.

Amendment Addressed to Different Part of Section and Not Germane

§ 18.21 To an amendment to one part of a section of a bill, an amendment to another part of such section, on a different page, was ruled not in order as a substitute.

On Mar. 31, 1948,(20) the following proceedings took place:

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16. 115 Cong. Rec. 23126–29, 91st Cong. 1st Sess. Under consideration was H.R. 12982.
17. Robert N. Giaimo (Conn.).
18. 95 Cong. Rec. 5335, 81st Cong. 1st Sess. Under consideration was H.R. 2032, the National Labor Relations Act of 1949.
19. Jere Cooper (Tenn.).
20. 94 Cong. Rec. 3834, 3837, 80th Cong. 2d Sess. Under consideration was S. 2202, the Foreign Assistance Act of 1948.

The Clerk read as follows:

BILATERAL AND MULTILATERAL UNDERTAKINGS

Sec. 115. (a) The Secretary of State, after consultation with the Administrator, is authorized to conclude, with individual participating countries or any number of such countries or with an organization representing any such countries, agreements in furtherance of the purposes of this title. . . .

(b) The provision of assistance under this title results from the multilateral pledges of the participating countries to use all their efforts to accomplish a joint-recovery program based upon self-help and mutual cooperation as embodied in the report of the Committee of European Economic Cooperation signed at Paris on September 22, 1947, and is contingent upon continuous effort of the participating countries to accomplish a joint-recovery program through multilateral undertakings and the establishment of a continuing organization for this purpose. In addition to continued mutual cooperation of the participating countries in such a program, each such country shall conclude an agreement with the United States in order for such country to be eligible to receive assistance under this title. Such agreement shall provide for the adherence of such country to the purposes of this title and shall, where applicable, make appropriate provision, among others, for . . .

(4) making efficient and practical use, within the framework of a joint program for European recovery, of the resources of such participating country, including any commodities, facilities, or services furnished under this title, which use shall include, to the extent practicable, taking measures to locate and *control,* in furtherance of such program, assets, and earnings therefrom, which belong to the citizens of such country and which are situated within the United States, its Territories and possessions; . . .

MR. [JOHN M.] VORYS [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Vorys: Page 86, line 25, delete the word "control" and substitute the word "identify."

MR. VORYS: Mr. Chairman, this is an agreed committee amendment to make it clear that we do not insist on other countries controlling the assets of their citizens, but that they identify them so that they may proceed along the principles set forth in other parts of this section.

MR. [KENNETH B.] KEATING [of New York]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:[1] The gentleman will state it.

MR. KEATING: I have an amendment to this section which I desire to offer as a substitute for the committee amendment. Is it proper to offer it at this time?

THE CHAIRMAN: If the gentleman has an amendment, he may offer it as a substitute when the gentleman from Ohio has concluded.

If the amendment of the gentleman from New York is a substitute for the amendment which the gentleman from Ohio has offered, it should be offered before the first amendment is disposed of.

MR. KEATING: My purpose in offering it as a substitute for the committee amendment is that my amendment tends to strengthen rather than weaken section 4. My analysis of what the gentleman from Ohio seeks to do in changing the word "control" to "identify" is that that is rather to weaken it. Therefore, it seems to me it is appropriate to offer this amendment as a substitute for the committee amendment.

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[1] Francis H. Case (S.D.).

Mr. Vorys: Mr. Chairman, I of course cannot discuss the gentleman's amendment until I know what it is, but may I state to the Committee of the Whole that our committee has worried and fretted over this section and we are all somewhat dissatisfied with it, as to whether it should be strengthened or weakened, and how much, but one thing that we could agree upon was that we did not want to authorize control. We thought that identification of the assets in this country was a sound principle. Therefore, all I am in a position to do now is to urge the adoption of the committee amendment.

Mr. Keating: Mr. Chairman, I offer my amendment as a substitute for the Vorys amendment.

The Clerk read as follows:

> Amendment offered by Mr. Keating as a substitute for the Vorys amendment: On page 87, line 4, strike out the semicolon [at the end of subparagraph (4)], insert a comma, and add the following: "including but not limited to the establishment of satisfactory conditions for guaranteeing that identifiable assets of nationals of such country located in the United States, its Territories and possessions, may be held by the United States as security against any governmental credits from the United States to such country."

The Chairman: The Chair will advise the gentleman from New York that the amendment as read obviously is not a substitute for the amendment offered by the gentleman from Ohio, which is on page 86. The gentleman's amendment is on page 87.

Member's Substitute for Own Amendment

§ 18.22 A Member may not offer a substitute for his own amendment to a bill.

On June 13, 1947,[2] the following proceedings took place:

Mr. [James G.] Fulton [of Pennsylvania]: I ask unanimous consent, Mr. Chairman, to modify my amendment. . . .

Mr. [John M.] Vorys [of Ohio]: I object. . . .

Mr. Fulton: Mr. Chairman, I offer a substitute amendment.

The Chairman:[3] The gentleman cannot do that at this time.

Effect of Rejection: Reoffering Part of Substitute

§ 18.23 A substitute amendment having been rejected, a proposition contained therein may nevertheless be offered as an amendment to an amendment in the nature of a substitute.

On Mar. 11, 1958,[4] the following proceedings took place:

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[2] 93 Cong. Rec. 6989, 6990, 80th Cong. 1st Sess. Under consideration was H.R. 3342, relating to a cultural relations program of the State Department.

[3] Thomas A. Jenkins (Ohio).

[4] 104 Cong. Rec. 3981, 3984, 85th Cong. 2d Sess. Under consideration was S.

The Clerk read as follows:

> Amendment offered by Mr. [Russell V.] Mack of Washington as a substitute for the Blatnik amendment: Strike out all after the enacting clause and insert in lieu thereof the following:
>
> "TITLE I—RIVERS AND HARBORS
>
> "Sec. 101. That the following works of improvement of rivers and harbors and other waterways for navigation, flood control, and other purposes are hereby adopted and authorized to be prosecuted under the direction of the Secretary of the Army and supervision of the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated. . . .
>
> "The project for flood control and improvement of the lower Mississippi River adopted by the act approved May 15, 1928, as amended by subsequent acts, is hereby modified and expanded to include the following items and the authorization for said project is increased accordingly. . . .
>
> "(b) Modification and extension of plans of improvement in the Boeuf and Tensas Rivers and Bayou Macon Basin, Ark., substantially in accordance with the recommendations of the Chief of Engineers in House Document of No. 108, 85th Congress, at an estimated cost of $631,000: *Provided,* That, in addition to the requirements for local cooperation recommended in the report of the Chief of Engineers, local interests agree to contribute 48 percent of the cost of providing major drainage in cash or equivalent work, to furnish without cost to the United States all lands, easements and rights-of-way necessary for construction of the project, and to hold and save the United States free from damages due to the construction works."

The Mack substitute for the Blatnik amendment having been rejected, Mr. Mack offered an amendment:(5)

The Clerk read as follows:

> Amendment offered by Mr. Mack of Washington: Page 31, line 12, strike out "$1,212,000" and substitute the following: "$631,000: *Provided,* That, in addition to the requirements for local cooperation recommended in the report of the Chief of Engineers, local interests agree to contribute 48 percent of the cost of providing major drainage in cash or equivalent work, to furnish without cost to the United States all lands, easements and rights-of-way necessary for construction of the project. . . ."

MR. [ROBERT E.] JONES [Jr.] of Alabama: Mr. Chairman, a point of order. As I understand, the amendment is in the same language as the Mack substitute. Therefore the proposition has already been decided by the Committee and the amendment has been rejected.

THE CHAIRMAN:(6) The gentleman is correct, except that it is now offered as a specific proposition, and under the ruling previously made(7) the point of order is overruled.

497, authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, etc., and an amendment in the nature of a substitute offered by Mr. John A. Blatnik (Minn.).

5. 104 CONG. REC. 4011, 85th Cong. 2d Sess.
6. Carl Albert (Okla.).
7. The Chair had previously overruled, without comment, a similar point of

Effect of Rejection: Offering Another Substitute

§ 18.24 Where there was pending to a bill an amendment in the form of a new section, a substitute therefor, and an amendment to the substitute, the Chair indicated that the defeat of the amendment to the substitute and of the substitute would not preclude the offering of another germane substitute.

On July 27, 1970,(8) in the circumstances described above, the following exchange took place:

> MR. [ROBERT C.] ECKHART [of Texas]: . . . As I understand the Smith amendment as it is sought to be amended by the Hays amendment, all it would do is say that in addition to providing a manually recorded type of vote by the method that is provided in the O'Neill amendment, it would also provide an electronic record type of vote. Now, if I am correct in that assumption, would it not be in order, if we should vote down the Hays amendment to the Smith amendment, to offer this as an additional provision subsequent to the passage of the O'Neill amendment?
>
> THE CHAIRMAN:(9) The Chair would like to inform the gentleman in answer to his parliamentary inquiry that if the amendment offered by the gentleman from Ohio (Mr. Hays) is voted down and the substitute offered by the gentleman from California (Mr. Smith) is voted down, then another germane substitute would be in order.

Effect of Rejection: Proposition Reoffered as Amendment to Text

§ 18.25 Where a proposed substitute for an amendment is itself amended and then agreed to as amended, the rejection of the original amendment as amended by the substitute does not preclude reoffering, as an amendment to text, a proposition essentially the same as that initially contained in the substitute.

In the 86th Congress, during the consideration of H.R. 8601, a bill to enforce voting rights, Mr. William M. McCulloch, of Ohio, offered the provisions of H.R. 11160 as a substitute for the amendment of Mr. John V. Lindsay, of New York, which contained the provisions of H.R. 10035, made in order under a special rule (H. Res. 359). Mr. McCulloch's substitute, which provided for the court appointment of voting referees, was amended by the amendment of

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order made by Mr. Frank E. Smith, of Mississippi, against another amendment offered by Mr. Mack. See the proceedings of the same day, at page 4010.

(8) 116 CONG. REC. 25811, 91st Cong. 2d Sess. Under consideration was H.R. 17654.

(9) William H. Natcher (Ky.).

Mr. Robert W. Kastenmeier, of Wisconsin, to provide for Presidential appointment of enrollment officers. The substitute, as amended, was then agreed to; the amendment, as amended by the substitute, was rejected. Mr. McCulloch then offered, as a new title to the bill, the language of H.R. 11160.

The proceedings were as follows:[10]

Mr. Lindsay: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Lindsay: On page 12, immediately following line 7, insert the following:
>
> "TITLE VI
>
> "Sec. 601. That section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:
>
> "(a) Add the following as subsection (e) and designate the present subsection (e) subsection '(f)':
>
> " 'In any proceeding instituted pursuant to subsection (c) of this section, in the event the court finds that under color of law or by State action any person or persons have been deprived on account of race or color of any right or privilege secured by subsection (a) or (b) of this section, and that such deprivation was or is pursuant to a pattern or practice, the court may appoint one or more persons (to be known as voting referees) to receive applications from any person claiming such deprivation as the right to register or otherwise to qualify to vote at any election and to take evidence and report to the court findings as to whether such applicants or any of them (1) are qualified to vote at any election, and (2) have been (a) deprived of the opportunity to register to vote or otherwise to qualify to vote at any election, or (b) found by State election officials not qualified to register to vote or to vote at any election.
>
> " 'Any report of any person or persons appointed pursuant to this subsection shall be reviewed by the court and the court shall accept the findings contained in such report unless clearly erroneous. . . .

Mr. Lindsay: This is H.R. 10035 verbatim, as originally introduced, the voting referee bill.

Mr. Chairman, may I say that the parliamentary situation is such under the rule that the only voting referee measure at this point that may be offered is the text of H.R. 10035. This is the bill which provides for voting referees under the auspices and supervision of the Federal courts. . . .

If the court should find a pattern or practice of voting denials, referees may then be appointed by the court in order to receive applications from persons of like color who claim that they also have been denied the right to vote. The point to bear in mind about this amendment, and also about the substitute amendment that will be offered by the gentleman from Ohio [Mr. McCulloch], for the purpose of clarifying the amendment that I now offer, is this: that in any area where there has been found by the court to exist a pattern or practice of denials of the right to vote on constitutional grounds, the matter from then on is resolved by the court. A referee may be appointed by the Federal judge in order to perform the normal functions that he would perform but obviously cannot perform because of the burdens that would be placed upon him. It is designed to keep the matter in local hands, a local Federal judge, and local Federal referees appointed by the Court. . . .

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[10] 106 Cong. Rec. 5482, 5483, 86th Cong. 2d Sess., Mar. 14, 1960.

I shall say a word about the differences between this amendment and the proposed substitute. They are of procedure only. The substitute will ensure, by specific language, that any local, State registrar who takes exception to the action of a voting referee will have an opportunity to have a full judicial hearing by the court if he presents a genuine issue of fact. He is given plenty of notice. The Deputy Attorney General testified that even under the original bill, which I have introduced by way of amendment, due process would require an opportunity for a hearing. The substitute will spell this out in specific language. . . .

THE CHAIRMAN:(11) The Clerk will report the substitute amendment offered by the gentleman from Ohio [Mr. McCulloch].

The Clerk read as follows:

> Amendment offered by Mr. McCulloch as a substitute for the amendment offered by Mr. Lindsay: On page 12, immediately below line 7, in lieu of the text proposed to be added by the Lindsay amendment insert the following:
>
> "TITLE VI
>
> "*Voting rights*
>
> "Sec. 601. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:
>
> " '(a) Add the following as subsection (e) and designate the present subsection (e) as subsection "(f)":
>
> " 'In any proceeding instituted pursuant to subsection (c), in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General, and after each party has been given notice and the opportunity to be heard, make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote. . . .
>
> " 'The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. . . .

On the following day,(12) an amendment was offered to the substitute:

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11. Francis E. Walter (Pa.).

12. 106 CONG. REC. 5644, 5645, 5655–58, 86th Cong. 2d Sess., Mar. 15, 1960.

MR. [ROBERT W.] KASTENMEIER [of Wisconsin]: Mr. Chairman, I offer an amendment to the substitute.

The Clerk read as follows:

> Amendment offered by Mr. Kastenmeier: On page 1, line 8 of the McCulloch substitute, before the word "In", insert "(e)(1)(A)" and on page 1 of the McCulloch substitute strike out "that any person has been deprived" on line 9 and all that follows down through the last page of such substitute, and insert in lieu thereof the following: "that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration, of the opportunity of registration, for elections because of their race or color, the Attorney General shall notify the President of the United States of such finding.
>
> "(B) Whenever the Commission on Civil Rights . . . finds that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration of the opportunity of registration, for election because of their race or color, the Commission shall notify the President of the United States of such finding.
>
> "(2) Upon any notification of a finding pursuant to paragraph (1) of this subsection, the President is authorized to establish a Federal Enrollment Office in each registration district that includes the locality or area for which such finding has been made and to appoint one or more Federal Enrollment Officers for such district from among officers or employees of the United States who are qualified voters within such district. . . .

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Wisconsin [Mr. Kastenmeier]. . . .

So the amendment to the substitute amendment was agreed to.

THE CHAIRMAN: The question is on the substitute amendment offered by the gentleman from Ohio [Mr. McCulloch], as amended. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, if I understand the situation correctly, and I wish the Chair would explain what the situation is, the Committee is now voting on the substitute amendment offered by the gentleman from Ohio [Mr. McCulloch] to the bill H.R. 10035.

THE CHAIRMAN: Under the rule, as the gentleman well knows, it was made in order to consider the text of the bill H.R. 10035, as an amendment to the bill H.R. 8601. The amendment was offered by the gentleman from New York [Mr. Lindsay] and a substitute for that amendment was offered by the gentleman from Ohio [Mr. McCulloch]. The substitute amendment has been amended and the Committee is about to vote upon the substitute amendment, as amended.

MR. BROWN of Ohio: In other words, we are voting on the substitute amendment, and if that should be defeated, then the so-called Lindsay amendment will still be in order.

THE CHAIRMAN: If the substitute amendment is defeated, then the amendment offered by the gentleman from New York [Mr. Lindsay] is still before the Committee for further consideration.

MR. BROWN of Ohio: I thank the Chairman.

THE CHAIRMAN: The question is on the substitute amendment offered by the gentleman from Ohio [Mr. McCulloch], as amended.

The Committee divided, and the tellers reported that there were—ayes 179, noes 116.

So the substitute amendment was agreed to.

The Chairman: The question recurs on the Lindsay amendment as amended by the McCulloch substitute.

The question was taken; and on a division (demanded by Mr. Celler) there were—ayes 195, noes 155.

Mr. McCulloch: Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Celler and Mr. McCulloch.

The Committee again divided and the tellers reported that there were—ayes 143, noes 170.

So the amendment was rejected.

Mr. McCulloch: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. McCulloch: On page 12, immediately below line 7, insert the following:
>
> "TITLE VI
>
> Sec. 601. That section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:
>
> "(a) Add the following as subsection (e) and designate the present subsection (e) as subsection '(f)':
>
> " 'In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote. . . .
>
> " 'The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under state law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. . . .

Mr. [Howard W.] Smith of Virginia: Mr. Chairman, I make a point of order against this amendment for several reasons. One is that the rule under which we are operating gives protection only to H.R. 10035 and to no other substitute proposal. In other words, the original bill, the Lindsay amendment, which has already been defeated, was a bill that the rule makes in order. We have already voted upon this bill within the last 30 minutes. The only difference between this bill and the bill we just voted down is two or three very minor corrections; very minor; so minor that many of us are greatly disappointed.

Mr. Chairman, the matter has been passed upon. The House has voted upon it within the last 30 minutes. I make the point of order that it cannot be reintroduced. . . .

Mr. [Edwin E.] Willis [of Louisiana]: I want to understand very clearly the bill or the proposal that the gentleman has offered. This is a very simple question. Am I correct that the proposal now on the desk is identical to the bill H.R. 11160 except for the deletion of the language appearing on page 5, lines 9 through 13?

Mr. McCulloch: The answer is "Yes.". . .

Mr. Smith of Virginia: . . . I make the . . . point of order that this amendment has been once defeated. . . .

The Chairman: May the Chair call the gentleman's attention to the fact that this has never been voted on. The language contained in this amendment was a substitute for another amendment.

Mr. Smith of Virginia: It was a substitute for that and it was offered yesterday afternoon by the gentleman from Ohio [Mr. McCulloch] and printed in the Record.

The Chairman: But, I should like to remind the gentleman, as a substitute for the bill made in order under the rule.

After some further discussion of this and other points of order, the Chairman allowed the amendment.

Parliamentarian's Note: Whether a proposition contained in a substitute may be reoffered in a different form after it has failed of approval depends on the circumstances. Clearly, where the actual proposition was never voted on because of changes made through the amendment process (as where a substitute for an amendment is itself amended, then rejected in a vote on the amendment), the proposition may be offered again as, for example, an amendment to text. But even actual rejection of the proposition contained in the substitute should not necessarily preclude its being offered as an amendment to text. For example, where an amendment is offered, and then a substitute for that amendment, the consideration of that substitute necessarily proceeds with reference only to the particular amendment to which offered. This may present a different question from that which would arise if the language of the substitute were considered with reference to the text of the bill. For further discussion of when a proposition that has been rejected may be reoffered in different form, see 8 Cannon's Precedents § 2843.

On the other hand, it may happen that reoffering the language of the substitute presents precisely the same question that has already been voted on. Thus, if a substitute for an amendment is agreed to (in effect becoming an amendment to text by supplanting the original amendment), and then the amendment as amended by the substitute is rejected, the proposition contained in the substitute may not be reoffered to that text. In this case, the question presented by reoffering the language as an amendment to text would be exactly the same as that already disposed of.

Amendment to Substitute Having Same Effect as Amendment to Original Amendment

§ 18.26 A point of order against an amendment to a substitute does not lie merely because its adoption would have the same effect as the adoption of a pending amendment to the original amendment and would render the substitute as amended identical to the original amendment as amended.

Where there was pending an amendment to a joint resolution to insert text (A), an amendment to said amendment to insert instead text (B), and a substitute for the amendment to insert text (A) and (B) together, the Chair overruled a point of order against an amendment to the substitute to delete text (A), since there is no precedent which would preclude the offering of an amendment to a substitute merely because it is similar to or achieves the same effect as an amendment to the original amendment. The proceedings of May 4, 1983,(13) were as follows:

MR. [DANIEL E.] LUNGREN [of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Lungren: On page 5 at line 19, insert "(a)" after "2.", and after line 23 add the following:
>
> "(b) Consistent with the treaty-making powers of the President under the Constitution, nothing in this resolution shall be construed to be binding on the President or his negotiators in the formulation of strategy, instructions or positions in the conduct of the strategic arms reduction talks (START).".

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Zablocki to the amendment offered by Mr. Lungren: In the text of the matter proposed to be added to the resolution by the Lungren amendment, strike out all that follows "(b)" through "(START)" and insert in lieu thereof the following:
>
> Nothing in this resolution shall be construed to supersede the treaty-making powers of the President under the Constitution.

THE CHAIRMAN:(14) The gentleman from Wisconsin (Mr. Zablocki) is recognized for 15 minutes in support of his amendment, for purposes of debate only. . . .

MR. [JAMES A.] COURTER [of New Jersey]: Mr. Chairman, I offer an

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13. 129 CONG. REC. 11046, 11052, 11056, 11059, 98th Cong. 1st Sess.

14. Matthew F. McHugh (N.Y.).

amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Courter as a substitute for the amendment offered by Mr. Lungren: In lieu of the matter proposed by said amendment, insert the following:
>
> On page 5, line 19, insert "(a)" after "2.", and after line 23 add the following:
>
> "(b) Nothing in this resolution shall be construed to supercede the treaty-making powers of the President under the Constitution, and therefore nothing in this resolution shall be construed to be binding on the President or his negotiators in the formulation of strategy, instructions or positions in the conduct of the Strategic Arms Reductions Talks (START).". . .

Mr. Zablocki: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Zablocki to the amendment offered by Mr. Courter as a substitute for the amendment offered by Mr. Lungren: In proposed new subsection (b), strike out all that follows "Constitution" through "(START)". . . .

Mr. Courter: Mr. Chairman, I have a point of order against the amendment to the substitute.

Mr. Chairman, I have had a chance to look very briefly at the amendment to the substitute and it is simply a restatement of the gentleman's amendment to the amendment and as such is improper at the present time, the purpose of which is dilatory only and the purpose of which is not obviously to legitimately amend a substitute. . . .

Mr. Zablocki: . . . The gentleman from New Jersey marries, so to speak, the two amendments, the amendment of the gentleman from California and the amendment of the gentleman from Wisconsin as a substitute.

All the amendment of the gentleman from Wisconsin does is amend the substitute, divorcing, or at least, deleting the latter part of the gentleman's amendment so that we can have an up and down vote on the two proposals.

And I believe an amendment to a substitute is in order whether it takes away or adds on to the language of a substitute.

The Chairman: The Chair is prepared to rule.

The Chair rules that the amendment offered by the gentleman from Wisconsin (Mr. Zablocki) to the substitute offered by the gentleman from New Jersey, is germane to the substitute. There is no precedent which would preclude the offering of that amendment to the substitute merely because it is similar or the same in effect as the amendment offered to the original amendment.

Therefore, the point of order is rejected.

Substitute Made in Order by Special Rule—Effect of Ruling Out Primary Amendment

§ 18.27 Where one committee's germane amendment printed in a reported bill has been made in order by a special rule as a substitute for another committee's amendment, and the primary amendment is ruled out on a

point of order, the committee amendment made in order as a substitute retains the status of an amendment to the bill as it was recommended by the reporting committee and is reported by the Clerk.

On Sept. 23, 1977,(15) the Committee of the Whole was considering H.R. 3, Medicare-Medicaid Antifraud and Abuse Amendments of 1977. An amendment recommended by the Committee on Ways and Means had been ruled out of order as not germane to the bill. An amendment recommended by another committee and made in order, by special rule, as a substitute for the amendment now ruled out of order, was ordered to be reported:(16)

> THE CHAIRMAN:(17) The Clerk will report the amendment recommended by the Committee on Interstate and Foreign Commerce, now printed beginning on page 70, line 6, through page 72, line 16, in the reported bill.

§ 19. Amendments to Titles and Preambles

Title Amendments; When Considered

§ 19.1 Amendments to the title of a bill are not in order until after passage of the bill, and are then voted upon without debate [see Rule XIX].

On Dec. 2, 1975,(18) the Committee of the Whole having agreed to an amendment in the nature of a substitute, a further amendment was offered to the bill(19) and proceedings occurred as follows:

> THE CHAIRMAN:(20) The question is on the amendment in the nature of a substitute, as amended, offered by the gentleman from Ohio (Mr. J. William Stanton).
>
> The question was taken; and on a division (demanded by Mr. Bauman) there were—ayes 71, nays 31.
>
> So the amendment in the nature of a substitute, as amended, was agreed to.
>
> MR. J. WILLIAM STANTON: Mr. Chairman, I offer a technical amendment.
>
> THE CHAIRMAN: The Chair will advise the gentleman from Ohio that inasmuch as the amendment in the nature of a substitute has been agreed to, no further amendments are in order at this time. The amendment

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(15) 123 CONG. REC. 30534, 95th Cong. 1st Sess.

(16) The rule, it should be noted, did not indicate that the amendment made in order was to be considered *only* as a substitute amendment.

(17) Gerry E. Studds (Mass.).

(18) 121 CONG. REC. 38193, 38194, 94th Cong. 1st Sess.

(19) H.R 10481, Intergovernmental Emergency Assistance Act.

(20) James G. O'Hara (Mich.).

sent to the desk by the gentleman from Ohio would be in order in the House after the committee has risen. . . .

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. O'Hara, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10481) to authorize emergency guarantees of obligations of States and political subdivisions thereof. . . .

The Speaker:(1) Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The Speaker: The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The Speaker: The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. [Robert E.] Bauman [of Maryland]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The Speaker: Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—ayes 213, nays 203, answered "present" 2, not voting 16, as follows: . . .

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. J. William Stanton: Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

> Amendment offered by Mr. J. William Stanton to the title: Amend the title so as to read: "A bill to authorize the Secretary of the Treasury to provide seasonal financing for the City of New York."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

§ 19.2 Amendments to the title of a bill may be considered in the House after the passage of the bill.

A rule(2) provides that, "amendments to the title of a bill or a resolution shall not be in order until after its passage, and shall be decided without debate."

On Jan. 21, 1964,(3) the following proceedings took place:

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1. Carl Albert (Okla.).

2. Rule XIX, *House Rules and Manual* § 822 (101st Cong.).

3. 110 Cong. Rec. 759, 88th Cong. 2d Sess. Under consideration was H.R. 4879.

See, as a further example, 108 Cong. Rec. 1183, 1184, 87th Cong. 2d Sess., Jan. 30, 1962 (proceedings relating to H.R. 8900 and an amendment to the title thereof offered by Mrs. Edith S. Green [Oreg.]).

The Clerk read as follows:

> Amendments offered by Mr. [Peter H. B.] Frelinghuysen [Jr., of New Jersey]: On page 1, amend the title of the bill by striking out the period after "libraries" and inserting in lieu thereof "in rural areas.". . .

THE CHAIRMAN:[4] The Chair will have to advise the gentleman from New Jersey, the author of the amendments, that the first two lines of the amendments attempting to amend the title are not in order, because an amendment to a title is not in order until after the passage of the bill. So the question will occur on the balance of the amendments.

§ 19.3 Amendments to titles of bills are properly presented after the bill is passed and are not debatable.

On Dec. 11, 1947,[5] the following proceedings took place:

MR [CHARLES J.] KERSTEN of Wisconsin: Mr. Speaker, I have an amendment to change the title of the bill, which I understand is proper.

THE SPEAKER:[6] That will come after the passage of the bill.

MR. KERSTEN of Wisconsin: I should like to inform the membership that this is an important amendment and I should like to speak on it.

THE SPEAKER: It is not debatable.

§ 19.4 Pursuant to Rule XIX, the title of a bill can only be amended after the bill has been passed, and an amendment in Committee of the Whole proposing inter alia an amendment to the title is not in order; accordingly, where a Member offers an amendment under the five-minute rule which includes an amendment to the title, the Chair may direct the Clerk to disregard that portion of the amendment and report only the amendment to the text of the bill.

An example of the proposition described above occurred on Jan. 29, 1986,[7] during consideration of House Resolution 364:

MR. [BILL] FRENZEL [of Minnesota]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN:[8] The Chair would remind the gentleman from Minnesota that the first part of his amendment amends the title of the bill, and the title cannot be amended in the Committee of the Whole.

MR. FRENZEL: I thank the Chair for pointing that out.

THE CHAIRMAN: If the gentleman wishes to strike the first part of the amendment, the amendment could be considered.

MR. FRENZEL: Mr. Chairman, I ask unanimous consent that the language of my amendment referring to the title of the bill be deleted from my amendment, and that the amendment be considered.

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[4] William S. Moorhead (Pa.).

[5] 93 CONG. REC. 11307, 80th Cong. 1st Sess. Under consideration was H.R. 4604, to promote world peace and the national interest and foreign policy of the United States by providing aid to certain foreign countries.

[6] Joseph W. Martin, Jr. (Mass.).

[7] 132 CONG. REC. 680, 99th Cong. 2d Sess.

[8] Doug Barnard, Jr. (Ga.).

The Chairman: The Clerk will disregard that portion referring to the title and will report the amendment.

§ 19.5 Where a Member attempts to offer an amendment to the title of a bill in Committee of the Whole under the five-minute rule, the Chair may rule it out of order under Rule XIX on his own initiative and need not rule on the germaneness of the amendment to the bill under Rule XVI clause 7.

On Jan. 29, 1986,(9) it was demonstrated that, where a point of order is raised against the germaneness of an amendment offered in Committee of the Whole to the title of a bill, the Chair may nevertheless rule it out of order under Rule XIX rather than rule on the germaneness of the subject of the amendment:

Mr. [Bill] Frenzel [of Minnesota]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Frenzel: On page 1, after the word "for" in the title, insert the following: "for Presidential primary dates on which there is more than one State conducting its primary election and". . . .

Mr. [Al] Swift [of Washington]: . . . I make a point of order against the amendment on the grounds that it is in violation of clause 7 of rule XVI, the germaneness rule. I would say in particular "Deschler's Procedure," chapter 28, section 7, to the effect that "one individual proposition is not germane to another individual proposition." This bill deals exclusively with Presidential general elections. The amendment deals with Presidential primary elections and I make the point of order that it is not germane. . . .

Mr. Frenzel: Mr. Chairman, I have had this done to me before on a very similar point of order which was sustained by the Chair a number of years ago. I suspect that the precedents are not with me on it; nevertheless I think any rational reading of our rules and of our precedents in a philosophical way and any presentation to a body of Americans who can read or write would result in the amendment being declared germane. . . .

The Chairman:(10) The Chair is prepared to rule.

In this case the matter of germaneness need not be decided, inasmuch as the amendment clearly violates rule XIX because it only amends the title of the bill and the title of the bill can only be amended after the bill is passed; so the Chair sustains the point of order.

Amending Committee Amendments to Title

§ 19.6 Under Rule XIX, stating that amendments to the title of

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9. 132 Cong. Rec. 682, 99th Cong. 2d Sess.

10. Doug Barnard, Jr. (Ga.).

a bill are considered in the House after passage of the bill, committee amendments to the title of a bill are automatically reported by the Clerk after passage of the bill, but an amendment to a committee amendment to the title may be offered from the floor and is voted on without debate.

An illustration of the procedure described above is found in the proceedings of Sept. 23, 1977,(11) during consideration of H.R. 5383, Age Discrimination in Employment Act Amendments of 1971.

So the bill was passed.

The result of the vote was announced as above recorded.

TITLE AMENDMENT

THE SPEAKER PRO TEMPORE:(12) The Clerk will report the title amendment to the bill.

The Clerk read as follows:

> Title amendment: Amend the title so as to read: "A bill to amend the Age Discrimination in Employment Act of 1967 to provide that Federal employees who are 40 years of age or older shall be protected by the provisions of section 15 of such Act, and for other purposes.".

AMENDMENT OFFERED BY MR. HAWKINS TO THE TITLE AMENDMENT

MR. [AUGUSTUS F.] HAWKINS [of California]: Mr. Speaker, I offer an amendment to the title amendment.

The Clerk read as follows:

> Amendment offered by Mr. Hawkins to the title amendment: Page 7, strike out the matter following line 5 and insert in lieu thereof the following:
>
> Amend the title so as to read as follows: "A bill to amend the Age Discrimination in Employment Act of 1967 to extend the age group of employees who are protected by the provisions of such Act, and for other purposes.".

The amendment to the title amendment was agreed to.

The title amendment, as amended, was agreed to.

A motion to reconsider was laid on the table.

Preamble Amendments; When Considered

§ 19.7 Amendments to the preamble of a joint resolution are considered in the Committee of the Whole following disposition of any amendments to the text following the resolving clause.

On Mar. 22, 1967, an illustration of this procedure took place. The proceedings were as follows:(13)

The Clerk read as follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress recommends, in support of the concept of a Latin American Common Market. . . .

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11. 123 CONG. REC. 30573, 30574, 95th Cong. 1st Sess.
12. Richard Nolan (Minn.).
13. 113 CONG. REC. 7679–83, 90th Cong. 1st Sess. Under consideration was H.J. Res. 428.

The Chairman:[14] The Clerk will report the committee amendment. . . .

The Clerk read as follows:

> Strike out all after the resolving clause and insert the following:
>
> "That the Congress supports the concept of a Latin American Common Market and, after appropriate steps have been taken. . . ."

The Chairman: Are there any amendments to the committee amendment? If not, the question is on the committee amendment.

The committee amendment was agreed to.

The Chairman: The Clerk will read the preamble.

The Clerk read as follows:

H.J. Res. 428

> Whereas it has been an historic policy of the United States to work in close harmony with our sister American Republics. . . .

The Chairman: The Clerk will report the first committee amendment to the preamble.

§ 19.8 Amendments to the preamble of a joint resolution are considered in the Committee of the Whole following the disposition of any amendments to the body of the resolution.

On Mar. 9, 1967,[15] the following proceedings took place:

The Clerk read as follows:

H.J. Res. 267

> Whereas the Congress has declared it to be the policy of the United States to combat hunger and malnutrition and to encourage economic development in the developing countries; and . . .
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress approves the participation of the United States. . . .

The Chairman:[16] The Clerk will report the first committee amendment.

The Clerk read as follows:

> On page 2, lines 7 and 8, strike the word "Agricultural". . . .

The committee amendment was agreed to.

Mr. [Paul] Findley [of Illinois]: Mr. Chairman, I offer an amendment.

Mr. [William R.] Poage [of Texas]: Mr. Chairman, there are two additional committee amendments to the preamble.

The Chairman: The Chair will inform the gentleman they cannot be considered until the body of the resolution has been perfected, at which time they will be considered.

The Clerk read as follows:

> Amendment offered by Mr. Findley: On page 3, after line 2, add the following paragraph: . . .

The amendment was agreed to. . . .

The Chairman: The Clerk will report the amendments to the preamble.

The Clerk read as follows:

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[14] Charles M. Price (Ill.).

[15] 113 Cong. Rec. 6032–34, 90th Cong. 1st Sess. Under consideration was H.J. Res. 267.

See also 93 Cong. Rec. 2416, 80th Cong. 1st Sess., Mar. 21, 1947.

[16] John S. Monagan (Conn.).

In the second paragraph of the preamble strike the word "Indian".

Parliamentarian's Note: The Clerk normally does not read the preamble for amendment, but merely reports amendments thereto.

§ 19.9 **Amendments to the preamble of a joint resolution are considered in the Committee of the Whole following the disposition of any amendments to the body of the resolution; and, in the House, amendments to the preamble of a joint resolution reported from Committee of the Whole are considered following engrossment and prior to third reading of the resolution.**

On Oct. 29, 1975,(17) the Committee of the Whole amended the preamble of a joint resolution(18) and the House later concurred in its recommendation. The proceedings were as follows:

THE CHAIRMAN:(19) Are there further amendments to the bill? If not, the Clerk will report the preamble.

The Clerk read as follows:

> Whereas more than twelve million Americans identify themselves as being of Spanish-speaking background and trace their origin or descent from Mexico, Puerto Rico, Cuba, Central and South America, and other Spanish-speaking countries. . . .

THE CHAIRMAN: The Clerk will report the committee amendment to the preamble.

The Clerk read as follows:

> Committee amendment: Amend the preamble by striking out "Western Hemisphere".

The committee amendment to the preamble was agreed to.

THE CHAIRMAN: Under the rule, the committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Randall, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 92) relating to the publication of economic and social statistics for Americans of Spanish origin or descent, pursuant to House Resolution 799, he reported the joint resolution back to the House with sundry amendments adopted by the Committee of the Whole.

THE SPEAKER:(20) Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

THE SPEAKER: The question is on the engrossment of the joint resolution.

The joint resolution was ordered to be engrossed.

THE SPEAKER: The Clerk will report the amendment to the preamble.

The Clerk read as follows:

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17. 121 CONG. REC. 34282, 34283, 94th Cong. 1st Sess.
18. H.J. Res. 92, economic and social census statistics relating to Americans of Spanish origin or descent.
19. William J. Randall (Mo.).
20. Carl Albert (Okla.).

> Amend the preamble by striking out "Western Hemisphere".

The Speaker: The question is on the amendment to the preamble.

The amendment to the preamble was agreed to.

The Speaker: The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, and was read the third time.

§ 19.10 The preamble of a joint resolution is properly amended in the House after the engrossment and pending the third reading of the resolution.

On Oct. 7, 1966,(1) the following proceedings took place:

The Speaker:(2) The question is on the engrossment and third reading of the House joint resolution.

The House joint resolution was ordered to be engrossed. . . .

AMENDMENTS OFFERED BY MR. CELLER

Mr. [Emanuel] Celler [of New York]: Mr. Speaker, I offer a number of amendments to the preamble and ask unanimous consent that they be considered en bloc.

The Clerk read the amendments as follows:

> On page 2, strike out "and" after the first complete "Whereas" clause. . . .

The amendments were agreed to. . . .

The Speaker: The question is on the third reading of the House joint resolution.

—*Concurrent Resolution*

§ 19.11 Amendments to the preamble of a concurrent resolution are considered and voted on in the Committee of the Whole after amendments to the body of the resolution; and amendments to the preamble of such a resolution are voted on in the House after the resolution has been adopted.

On Oct. 30, 1945,(3) the following proceedings took place in the Committee of the Whole:

Mr. [Carl] Vinson [of Georgia]: Mr. Chairman, I ask that the resolution be read for amendment.

The Clerk read as follows:

> Whereas under the Constitution of the United States the Congress is charged with the responsibility of

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1. 112 Cong. Rec. 25684, 89th Cong. 2d Sess. Under consideration was H.J. Res. 1163.
2. John W. McCormack (Mass.).
3. 91 Cong. Rec. 10202, 10203, 10205, 10206, 79th Cong. 1st Sess. Under consideration was H. Con. Res. 80, relating to the composition of the postwar Navy.

Parliamentarian's Note: In reading a concurrent resolution with a preamble for amendment the Clerk reads the preamble first and then reads the body of the resolution although amendments to the preamble in the Committee of the Whole are considered after amendments to the body of the resolution.

providing and maintaining a Navy; and . . .

Whereas it is necessary for the Congress to determine the size of the immediate postwar Navy giving due consideration to the security of the United States and its Territories and insular possessions . . . and

Whereas such immediate postwar Navy will require an adequate fleet and supporting aircraft, personnel, bases, and establishments: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Navy of the United States should consist of ships of the following types and numbers:

1. Three large aircraft carriers (42,000 tons), 24 aircraft carriers (27,000 tons) . . . 367 destroyers, 296 escort destroyers, and 200 submarines.
2. That sufficient aircraft, auxilliary vessels . . . and drydocks should be maintained to support the above-enumerated fleet. . . .

Mr. Vinson (interrupting reading of the bill): Mr. Chairman, I ask unanimous consent to dispense with further reading of the bill, that it be printed in the Record, and that it be in order to consider all the committee amendments en bloc.

The Chairman:(4) Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendment:

Page 2, line 3, after the word "of", insert "not less than."

Page 2, line 5, strike out "forty-two thousand tons" and insert in lieu thereof: "total tonnage approximately one hundred and thirty-five thousand.". . .

Page 3, line 7, after the word "submarines", insert "(total tonnage approximately three hundred and fourteen thousand), aggregate tonnage, all types, approximately four million six hundred and ninety-eight thousand nine hundred."

Page 3, line 14, after the word "facilities", insert "including bases."

Page 3, line 21, strike out "unit for unit."

In the preamble, page 1, fourth paragraph, strike out "giving due consideration to the security of the United States and its Territories and insular possessions, the protection of our commerce, and the necessity for cooperating with other world powers in the maintenance of peace; and" and insert in lieu thereof "in order to insure our national integrity, support our national policies, guard the continental United States and our overseas possessions, give protection to our commerce and citizens abroad, and to cooperate with other world powers in the maintenance of peace; and.". . .

Mr. [W. Sterling] Cole of New York: Mr. Chairman, I wonder if we are going to consider the amendments to the preamble first?

The Chairman: The amendments to the preamble are considered after amendments to the body of the resolution. . . .

The question is on the committee amendment.

The committee amendment was agreed to. . . .

Mr. Vinson: . . . Mr. Chairman, I ask for a vote on the committee amendment to the preamble.

The Chairman: The question is on the committee amendment to the preamble.

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4. Butler B. Hare (S.C.).

The amendment was agreed to.

After the Committee rose:

The Speaker:(5) Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The Speaker: The question is on the adoption of the resolution. [The resolution was adopted.]

The Speaker: The question is on the amendment to the preamble.

The amendment to the preamble was agreed to.

§ 19.12 Amendments to the preamble of a concurrent resolution are disposed of following adoption of the concurrent resolution in the House.

On May 18, 1978,(6) following the adoption of House Concurrent Resolution 624(7) in the House, an amendment was offered to the preamble. The proceedings were as follows:

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENT TO THE PREAMBLE

Mr. [Dante B.] Fascell [of Florida]: Mr. Speaker, I offer an amendment to the preamble of the concurrent resolution.

The Clerk read the preamble of the concurrent resolution.

The Speaker Pro Tempore:(8) The Clerk will report the amendment to the preamble.

The Clerk read as follows:

> Amendment to the preamble: Strike out the paragraph on page 4, lines 3 through 8, and insert the following:
>
> Whereas Yuri Orlov, the leader and founding member of the Moscow Group, was convicted this week in the Soviet Capital for such activities and sentenced to seven years in prison camp and five years in internal exile. . . .

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

—Simple Resolution

§ 19.13 In the House, an amendment to the preamble of a simple resolution is considered after the adoption of the resolution.

On June 8, 1970,(9) the following proceedings took place:

Mr. [Hugh L.] Carey [of New York]: Mr. Speaker, at what point did the Speaker put the committee amendment which appears on page 1 to strike out the preamble?

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5. Sam Rayburn (Tex.).
6. 124 Cong. Rec. 14391, 95th Cong. 2d Sess.
7. Stating the sense of Congress promoting the Helsinki Agreement.
8. Frank E. Evans (Colo.).
9. 116 Cong. Rec. 18656–71, 91st Cong. 2d Sess. Under consideration was H. Res. 976.

THE SPEAKER:(10) That question will come after the adoption of the resolution. . . .

So the resolution was agreed to. . . .

THE SPEAKER PRO TEMPORE:(11) The Clerk will report the committee amendment to the preamble.

The Clerk read as follows:

> Committee amendment: On page 1, strike out the preamble. . . .

So the committee amendment to the preamble was agreed to.

—Following Adoption of Committee Amendment in Nature of Substitute

§ 19.14 **The preamble of a joint resolution may be amended in the Committee of the Whole following the adoption of a committee amendment in the nature of a substitute for the body of the joint resolution.**

On Aug. 18, 1972,(12) the following proceedings took place:

THE CHAIRMAN:(13) The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

THE CHAIRMAN: The Clerk will read the preamble.

The Clerk read as follows: . . .

THE CHAIRMAN: The Clerk will report the committee amendment to the preamble.

The Clerk read as follows:

> Committee amendment: Strike out the preamble.

Motion To Strike Out Preamble

§ 19.15 **A motion to strike all after the resolving clause of a concurrent resolution does not affect the preamble thereof; and a motion to strike out the preamble is properly offered in the House after the resolution has been agreed to.**

On Feb. 21, 1966,(14) the following proceedings took place:

The Clerk read as follows:

> Amendment offered by Mr. [Arch A.] Moore [Jr., of West Virginia]: Strike out all after the enacting clause and insert the provisions of House Concurrent Resolution 552 as passed.

THE SPEAKER PRO TEMPORE:(15) Is the purpose of the gentleman from West Virginia to strike out the preamble?

MR. MOORE: My amendment would strike out the language of the Senate concurrent resolution and substitute in lieu thereof the language of the concurrent resolution just passed by the House.

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10. John W. McCormack (Mass.).
11. Carl Albert (Okla.).
12. 118 CONG. REC. 29126, 92d Cong. 2d Sess. Under consideration was H.J. Res. 1227.
13. Dominick V. Daniels (N.J.).
14. 112 CONG. REC. 3473, 89th Cong. 2d Sess. Under consideration was S. Con. Res. 68.
15. Carl Albert (Okla.).

The Speaker Pro Tempore: Would the amendment of the gentleman from West Virginia strike out the preamble or all after the enacting clause and substitute the language of the House concurrent resolution just passed?

Mr. Moore: It would strike out all after the enacting clause.

The Speaker Pro Tempore: That would not eliminate the preamble.

Mr. Moore: Then, Mr. Speaker, I move to strike the preamble.

The Senate concurrent resolution was agreed to and a motion to reconsider was laid on the table.

The Speaker Pro Tempore: The Clerk will report the amendment of the gentleman from West Virginia.

The Clerk read as follows:

> Mr. Moore moves to strike out the preamble.

The amendment was agreed to.

Similarly, on Dec. 4, 1973,(16) the following proceedings took place:

Mr. [John D.] Dingell [of Michigan]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Dingell moves to strike out all after the resolving clause of Senate Concurrent Resolution 11, and insert in lieu thereof the language of House Concurrent Resolution 173, as agreed to by the House.

The motion was agreed to.

[The Senate concurrent resolution as amended was agreed to.]

MOTION OFFERED BY MR. DINGELL

Mr. Dingell: Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Dingell moves to strike out the preamble of Senate Concurrent Resolution 11, and insert in lieu thereof the language of the preamble of House Concurrent Resolution 173 as agreed to by the House.

The motion was agreed to.

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16. 119 Cong. Rec. 39337, 93d Cong. 1st Sess. Under consideration was S. Con. Res. 11.

D. WITHDRAWAL OR MODIFICATION OF AMENDMENT

§ 20. Withdrawal

An ordinary or substitute amendment may be withdrawn in the House or in the "House as in Committee of the Whole" before a decision is rendered thereon,(17) but it may not be withdrawn or modified in Committee of the Whole except by unanimous consent.(18)

Upon reintroduction of an amendment that has, by unanimous consent, been withdrawn in the Committee of the Whole, the Member is entitled to debate his amendment for a second five-minute period.(19)

Unanimous Consent Requirement

§ 20.1 In the Committee of the Whole an amendment may not be withdrawn except by unanimous consent.

On Oct. 1, 1965,(1) the following proceedings took place:

> The Clerk read as follows:
>
> Amendment offered by Mr. [Donald M.] Fraser [of Minnesota]: On page 2, line 2 . . . add the following proviso: . . .
>
> MR. FRASER: Mr. Chairman, I have listened with great interest to the words of the gentleman from Missouri [Mr. Jones]. His eloquence persuades me that I was in error in offering the amendment. I, therefore, ask unanimous consent to withdraw the amendment.
>
> THE CHAIRMAN:(2) Is there objection to the request of the gentleman from Minnesota?
>
> MR. [ALBERT W.] WATSON [of South Carolina]: Mr. Chairman, I object.

The proceedings of July 28, 1970,(3) are a further illustration of the principle that an amendment pending in Committee of the Whole may be withdrawn by unanimous consent:

> MR. [LLOYD] MEEDS [of Washington]: Mr. Chairman, I ask unanimous consent that the amendment offered by

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17. See Rule XVI clause 2, *House Rules and Manual* § 776 (101st Cong.).
18. See Rule XIX, *House Rules and Manual* §§ 822, 824 (101st Cong.).

    Rule XXIII clause 5 (a), *House Rules and Manual* § 870 (101st Cong.) provides that, "neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent" of the Committee of the Whole.
19. See § 28.50, infra.

1. 111 CONG. REC. 25794, 89th Cong. 1st Sess. Under consideration was H.R. 6519.
2. Charles L. Weltner (Ga.).
3. 116 CONG. REC. 26046, 91st Cong. 2d Sess. Under consideration was H.R. 17654.

the gentleman from Arizona (Mr. Steiger) and amended by unanimous consent, be withdrawn with the understanding that it will be offered later.

MR. [LESLIE C.] ARENDS [of Illinois]: Mr. Chairman, a point of order.

THE CHAIRMAN:(4) The Chair would like to inform the gentleman from Washington that he has the right to make the request that the amendment be withdrawn.

Is there objection to the request of the gentleman from Washington?

§ 20.2 A substitute amendment may be withdrawn in the Committee of the Whole by unanimous consent.

On Apr. 18, 1962,(5) the following proceedings took place:

MR. [SAMUEL S.] STRATTON [of New York]: In view of the ruling of the Chair, and as I understand it, the Chair ruled that my substitute amendment would still be in order, I will be glad to withdraw my amendment and will support the amendment of the gentleman from Michigan.

However, my impression is that we do not have the votes.

THE CHAIRMAN:(6) The Chair will state that in his opinion the amendment of the gentleman from New York [Mr. Stratton], would be in order only in the event that the Cederberg amendment, which is now pending, is voted down.

MR. STRATTON: That was my understanding of the ruling, Mr. Chairman, and with that assurance I ask unanimous consent that the substitute amendment be withdrawn.

THE CHAIRMAN: Is there objection to the request of the gentleman from New York?

There was no objection.

The proceedings of June 18, 1958,(7) are a further illustration of the principle that a substitute amendment once offered may not be withdrawn or modified except by unanimous consent:

The Clerk read as follows:

> Amendment offered by Mr. [Robert] Hale [of Maine] as a substitute for the amendment offered by Mr. [Clarence] Cannon [of Missouri]: . . .

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make a point of order against the amendment because it provides for items that are not authorized by law.

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(4) William H. Natcher (Ky.).

(5) 108 CONG. REC. 6913, 87th Cong. 2d Sess. Under consideration was H.R. 11289.

See also 104 CONG. REC. 11641–43, 85th Cong. 2d Sess., June 18, 1958.

(6) Eugene J. Keogh (N.Y.).

(7) 104 CONG. REC. 11641–43, 85th Cong. 2d Sess. Under consideration was H.R. 12858, making appropriations for civil functions administered by the Department of the Army and certain agencies of the Department of the Interior, etc.

In response to inquiries by Mr. Hale as to how he should proceed, the Chairman[8] stated:

> The gentleman can ask unanimous consent to withdraw the substitute and offer an amendment.

Mr. Hale subsequently made such request.

§ 20.3 Unanimous consent is required to withdraw an amendment offered in Committee of the Whole.

On Sept. 2, 1976,[9] during consideration of a bill[10] in the Committee of the Whole, objection was made to a unanimous-consent request to withdraw an amendment. The proceedings were as follows:

> The Clerk read as follows:
>
> Amendment offered by Mr. Wiggins: On page 16, line 2, strike "(a)" and on lines 10 through 24, and on page 17, lines 1 through 5, strike the whole of section 108 (b) and (c). . . .
>
> THE CHAIRMAN:[11] The question is on the amendment offered by the gentleman from California (Mr. Wiggins). . . .
>
> [T]he amendment was agreed to. . . .
>
> MRS. [MILLICENT] FENWICK [of New Jersey]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mrs. Fenwick: On page 16, line 16, strike "and" following "physical" and on page 16, line 17, strike out "services" and on page 17, line 3, following "physical" strike out "and services". . . .
>
> MR. [CHARLES E.] WIGGINS [of California]: . . . [T]he gentlewoman from New Jersey is offering to amend a section of the bill which has been deleted by an earlier amendment.
>
> If, in fact, that is the amendment, it is rather late for me to make a point of order with respect to it, but we are amending something which is not in the bill to be amended.
>
> THE CHAIRMAN: The Chair has examined the Wiggins amendment, which struck out, on page 16, lines 10 to 24, down through line 5 on page 17. For that reason, in response to the gentleman's parliamentary inquiry, the gentlewoman's amendment would have no effect.
>
> MRS. FENWICK: Mr. Chairman, I should have included in my amendment the restoration of the original phraseology, omitting only those three or four words.
>
> THE CHAIRMAN: Would the gentlewoman perhaps seek unanimous consent to withdraw her amendment, and at her leisure and prerogative redraft the amendment consistent with the situation the bill is in as of now?
>
> MRS. FENWICK: Mr. Chairman, I do so.
>
> THE CHAIRMAN: Is there objection to the request of the gentlewoman from New Jersey? . . .
>
> MR. [ROBERT] MCCLORY [of Illinois]: Mr. Chairman, I object.

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[8] Hale Boggs (La.).

[9] 122 CONG. REC. 28939, 28941, 28942, 28957, 28958, 94th Cong. 2d Sess.

[10] H.R. 13636, extension of the Law Enforcement Assistance Administration Act.

[11] Benjamin S. Rosenthal (N.Y.).

THE CHAIRMAN: Objection is heard.

The question is on the amendment offered by the gentlewoman from New Jersey (Mrs. Fenwick).

§ 20.4 Where a Member has been recognized by the Chair to offer an amendment and the amendment has been reported by the Clerk, unanimous consent is required to withdraw the amendment in Committee of the Whole.

On Mar. 16, 1978,(12) the Committee of the Whole having under consideration H.R. 50,(13) this proposition was illustrated as indicated below:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Bauman: On page 106 add the following new title:
>
> "TITLE V . . .

THE CHAIRMAN PRO TEMPORE: Before the Chair would entertain this amendment, the Chair would like to know if there are other amendments to title IV?

MR. [CLARENCE] LONG of Maryland: Mr. Chairman, I wish to offer an amendment. . . .

MR. BAUMAN: . . . [T]he amendment has been laid before the House and unless it is withdrawn the gentleman from Maryland has a right to press the amendment, does he not?

THE CHAIRMAN PRO TEMPORE: The Chairman would like to state to the gentleman that the Chair should have inquired of the gentleman from Maryland (Mr. Bauman) as to the nature of his amendment before extending recognition. The Chair would hope the gentleman would withhold his amendment at this time. . . . If the gentleman from Maryland insists, the Chair will present his amendment.

MR. BAUMAN: No, Mr. Chairman, I do not insist and I withdraw my amendment in deference to the gentleman from Maryland (Mr. Long).

THE CHAIRMAN PRO TEMPORE: Without objection the gentleman from Maryland (Mr. Bauman) withdraws his amendment.

§ 20.5 Unanimous consent is not required to "withdraw" an amendment which is at the Clerk's desk but which has not been offered by the Member.

On Sept. 30, 1971,(14) the following proceedings took place:

MR. [FLOYD D.] SPENCE [of South Carolina]: Mr. Chairman, I ask unanimous consent to withdraw my amendment which is at the desk which is identical to the amendment offered by the gentleman from Kentucky (Mr. Perkins) and which was adopted.

THE CHAIRMAN:(15) It is not necessary to do that since the amendment has not been offered.

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12. 124 CONG. REC. 7333-36, 95th Cong. 2d Sess.
13. Full Employment and Balanced Growth Act of 1978.
14. 117 CONG. REC. 34337, 92d Cong. 1st Sess. Under consideration was H.R. 10351.
15. John J. Rooney (N.Y.).

Unanimous-Consent Request Disposed of Before Point of Order Against Amendment

§ 20.6 The Chair only rules on points of order when required to do so, and will permit withdrawal of an amendment (by unanimous consent in Committee of the Whole) prior to ruling on a point of order.

As demonstrated in the proceedings of June 7, 1983,[16] where a point of order is made or reserved against an amendment and a unanimous-consent request is then made for the withdrawal of the amendment, the Chair will first dispose of the unanimous consent request before ruling on the point of order.

MR. [BOB] EDGAR [of Pennsylvania]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Edgar: On page 8, after line 2, add the following new section:
>
> "Sec. 104. Within funds available in the construction general account, including but not limited to funds deferred, the Corps of Engineers is directed to complete the navigation and related features of the Tennessee-Tombigbee Waterway at a total additional Federal cost of $202,000,000. Section 206 of the Inland Waterways Revenue Act of 1978 is amended by adding at the end thereof the following: '(27) Tennessee-Tombigbee Waterway: From the Pickwick Pool on the Tennessee River at RM 215 to Demopolis, Alabama, on the Tombigbee River at RM 215.4.' ".

MR. [TOM] BEVILL [of Alabama]: Mr. Chairman, I reserve a point of order on this amendment.

THE CHAIRMAN:[17] The gentleman from Alabama (Mr. Bevill) reserves a point of order against the amendment.

MR. [RONNIE G.] FLIPPO [of Alabama]: Mr. Chairman, I also make a point of order against the gentleman's amendment on the grounds that it violates paragraph (b), clause 5, rule XXI of the rules of the House.

THE CHAIRMAN: Would the gentleman suspend.

MR. FLIPPO: Mr. Chairman, I reserve a point of order.

THE CHAIRMAN: The gentleman reserves a point of order. . . .

MR. EDGAR: . . . I would like to ask unanimous consent to withdraw my amendment at this time.

THE CHAIRMAN: Is there objection to the request of the gentleman from Pennsylvania?

MR. FLIPPO: Mr. Chairman, I reserve the right to object to the unanimous-consent request.

I wish to make a point of order against the amendment because the amendment violates paragraph (b), clause 5, rule XXI of the Rules of the House of Representatives.

THE CHAIRMAN: If the gentleman would suspend a moment, proper procedure is for the gentleman to object to the unanimous-consent request of the gentleman from Pennsylvania, to withdraw his amendment and then to make a point of order.

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[16] 129 CONG. REC. 14656, 14657, 98th Cong. 1st Sess.

[17] Donald J. Pease (Ohio).

MR. FLIPPO: I do object to the unanimous-consent request.

MR. EDGAR: Will the gentleman reserve the right to object?

MR. FLIPPO: I yield to the gentleman from Pennsylvania.

MR. EDGAR: Before the gentleman makes his objection, the gentleman from Pennsylvania is attempting to remove the impediment that the gentleman wants to call a point of order against, simply because the gentleman has made the assurances.

MR. FLIPPO: Mr. Chairman, I do not object to the gentleman's request and I withdraw my reservation of objection.

THE CHAIRMAN: Is there objection to the request of the gentleman from Pennsylvania to withdraw the amendment?

There was no objection.

§ 20.7 Although a point of order is pending against a substitute for an amendment, the Chairman of a Committee of the Whole may entertain a unanimous-consent request to withdraw the substitute and offer an amendment to the amendment.

On June 18, 1958,(18) the following proceedings took place:

THE CHAIRMAN:(19) . . . If the gentleman desires to ask unanimous consent to withdraw the proposed substitute and offer an amendment to the amendment, then the gentleman may proceed in that order, if he so desires. A point of order is pending.

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, can a unanimous-consent request be propounded while a point of order is pending before the committee?

THE CHAIRMAN: The Chair would entertain such a unanimous-consent request.

Effect of Objection to Withdrawal

§ 20.8 Where objection is made to a unanimous-consent request that an amendment pending before the Committee of the Whole be withdrawn, the Chairman puts the question on the amendment.

On July 11, 1962,(20) the following proceedings took place:

MR. [THOMAS M.] PELLY [of Washington]: Mr. Chairman, in view of the uncertainty as to the effect of my amendment, I ask unanimous consent to withdraw the amendment.

THE CHAIRMAN:(1) Is there objection to the request of the gentleman from Washington?

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18. 104 CONG. REC. 11642, 85th Cong. 2d Sess. Under consideration was H.R. 12858, making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, etc.

19. Hale Boggs (La.).

20. 108 CONG. REC. 13149, 87th Cong. 2d Sess. Under consideration was H.R. 11921.

1. Wilbur D. Mills (Ark.).

Mr. [H. R.] Gross [of Iowa]: I would have to object to that, Mr. Chairman.

The Chairman: The question is on the amendment offered by the gentleman from Washington [Mr. Pelly].

The question was taken; and on a division (demanded by Mr. Gross), there were—ayes 32, noes 81.

So the amendment was rejected.

Withdrawal of Substitute—Effect on Amendment to Substitute

§ 20.9 **Where a substitute amendment is withdrawn by unanimous consent, an amendment to the substitute is also withdrawn.**

On Mar. 17, 1975,(2) amendments were offered during consideration of H.R. 25, the Surface Mining Control and Reclamation Act of 1975, as follows:

Mr. [Mark] Andrews of North Dakota: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Andrews of North Dakota: Page 194, line 15, after the word "less" on line 15, strike out the period and insert a comma and add the following words: "except that this reclamation fee for lignite coal shall be at a rate of 5 percentum of the value of the coal at the mine, or 35 cents, whichever is less.". . .

Mr. [John F.] Seiberling [of Ohio]: Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from North Dakota (Mr. Andrews).

The Clerk read as follows:

> Amendment offered by Mr. Seiberling as a substitute for the amendment offered by Mr. Andrews of North Dakota: page 194, line 9, adopt the sentence starting on line 9, but change "35" to "50". . . .

Mr. [Philip E.] Ruppe [of Michigan]: Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

> Amendment offered by Mr. Ruppe to the substitute amendment offered by Mr. Seiberling: On page 194, line 11, amend the substitute by striking "50" and inserting the word "ten."...

Mr. Seiberling: . . . Mr. Chairman, the Chair informs me that the manner in which my amendment was offered would, in effect, wipe out Mr. Andrews' amendment, and that was not my intention.

I am perfectly willing to debate the issues of what the fee should be with the gentleman from Michigan by offering a separate amendment.

Therefore, I would ask unanimous consent to withdraw my substitute amendment.

The Chairman:(3) Is there objection to the request of the gentleman from Ohio (Mr. Seiberling)?

There was no objection.

The Chairman: The substitute of the gentleman from Ohio (Mr. Seiberling) is withdrawn, and the amendment offered by the gentleman from Michigan (Mr. Ruppe) to the substitute is therefore withdrawn.

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2. 121 Cong. Rec. 6797-99, 94th Cong. 1st Sess.

3. Neal Smith (Iowa).

Reoffering Substitute After Withdrawal

§ 20.10 The withdrawal of a substitute by unanimous consent does not preclude its being reoffered at the same stage of the proceedings, and unanimous consent is not required to reoffer the substitute if otherwise in order.

An example of the proposition described above occurred on Dec. 18, 1979,[4] during consideration of H.R. 5860 (authorizing loan guarantees to the Chrysler Corporation). The proceedings in the Committee of the Whole were as follows:

The Clerk read as follows:

> Amendment offered by Mr. Brademas to the amendment in the nature of a substitute offered by Mr. Moorhead of Pennsylvania: Strike line 7, page 5, through line 7, page 9, (section 4(a)(4) through section 4(d)) and replace with the following. . . .

MR. [DAN] QUAYLE [of Indiana]: Mr. Chairman, I offer an amendment as a substitute for the amendment in the nature of a substitute.

MR. [PETER A.] PEYSER [of New York]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[5] The gentleman will state his parliamentary inquiry.

MR. PEYSER: Mr. Chairman, in the procedure we are now, with the gentleman in the well, that gentleman had offered his amendment and then asked unanimous consent to withdraw his amendment. That request was granted. Within the same section can the gentleman again offer the same amendment without unanimous consent to reintroduce that amendment?

THE CHAIRMAN: The amendment may be offered.

The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Quayle as a substitute for the amendment in the nature of a substitute offered by Mr. Moorhead of Pennsylvania.

Amendment to Senate Bill in House

§ 20.11 A Senate bill was called up by unanimous consent in the House with an amendment by the House Committee on Public Works but, by unanimous consent, the amendment was withdrawn.

On Oct. 2, 1964,[6] the following proceedings took place:

MR. [GEORGE H.] FALLON [of Maryland]: Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2968) to amend subsection 120(f) of title 23, United States Code; and I also ask unanimous consent that the committee amendment thereto be withdrawn. . . .

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[4] 125 CONG. REC. 36794, 36801, 96th Cong. 1st Sess.

[5] Richard Bolling (Mo.).

[6] 110 CONG. REC. 23698, 88th Cong. 2d Sess. Under consideration was S. 2968.

> THE SPEAKER:(7) Without objection, the committee amendment is withdrawn.
>
> There was no objection.

House as in Committee of the Whole

§ 20.12 An amendment may be withdrawn at any time before action has been had thereon during the consideration of a bill "in the House as in Committee of the Whole."

On Feb. 11, 1937,(8) the following proceedings took place:

> THE SPEAKER PRO TEMPORE:(9) Without objection, the amendment will be withdrawn. [After a pause.] The Chair hears no objection.
>
> MRS. [EDITH NOURSE] ROGERS of Massachusetts: Mr. Speaker, I reserve the right to object. . . .
>
> THE SPEAKER PRO TEMPORE: With all due deference to the lady, the Chair thinks her objection comes too late. . . . In further answer, we are in the House as in Committee of the Whole, and it would be in order for the gentleman to withdraw his amendment in any event as a matter of right.

§ 21. Modification of Amendment by Proponent or Others

A Member may not offer an amendment to his own amendment to a bill.(10) Accordingly, in the Committee of the Whole or in the House, an amendment once offered may not be modified by its proponent except by unanimous consent.(11)

Unanimous Consent Requirement

§ 21.1 The proponent of an amendment may amend his own amendment only by unanimous consent.

On July 19, 1967,(12) the following proceedings took place:

> MR. [EDWIN E.] WILLIS [of Louisiana]: Mr. Chairman, I move to strike the requisite number of words.

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7. John W. McCormack (Mass.).
8. 81 CONG. REC. 1175, 75th Cong. 1st Sess. Under consideration was S. 1439, to provide for loans made necessary by floods or other catastrophes in the year 1937.
9. Jere Cooper (Tenn.).
10. See § 18.22, supra.
11. See § 21.1, infra. See also the proceedings at 118 CONG. REC. 2180-82, 92d Cong. 2d Sess., Feb. 2, 1972, relating to H.R. 7987; and at 118 CONG. REC. 29582, 92d Cong. 2d Sess., Sept. 6, 1972, relating to H.R. 13514.
12. 113 CONG. REC. 19416, 90th Cong. 1st Sess. Under consideration was H.R. 421.

    See also 90 CONG. REC. 1188, 78th Cong. 2d Sess., Feb. 3, 1944.

Mr. Chairman, let me read again the principal amendment of the gentleman from California:

> Nothing in this section shall circumscribe or hinder the objectives of organized labor in a bona fide labor dispute in urging strikes.

It seems to me that there could be some criticism of the word "objectives." We have the term "bona fide" before the words "labor dispute," which modifies those words, but if there is no adjective before "objectives," there may be a problem. I wonder if my friend, the gentleman from California, would accede to an amendment, to add before the word "objectives" the word "legitimate"?...

MR. [CHET] HOLIFIELD [of California]: Yes. I accept the amendment of the gentleman to my amendment. I ask unanimous consent that that be done, that the amendment be amended by adding the word "legitimate" before the word "objectives.". . .

THE CHAIRMAN:(13). . . The Chair will state, we have an amendment moved by Mr. Holifield, and an amendment has been made by Mr. Holifield to amend his own amendment. . . .

MR. [FLETCHER] THOMPSON of Georgia: Is it in order to offer an amendment to the original amendment when we already have an amendment to the amendment under consideration?

THE CHAIRMAN: By unanimous consent it may be considered.(14)

§ 21.2 The text of an amendment may not be changed by the mover in the Committee of the Whole unless by unanimous consent of the Committee.

On Feb. 8, 1941,(15) the following exchange took place:

MR. [JOHN M.] VORYS of Ohio: I understood, Mr. Chairman, that in the Committee of the Whole the author of an amendment does not have to secure unanimous consent to change the text of an amendment.

THE CHAIRMAN:(16) The gentleman is incorrect.

Substitute Offered for Amendment

§ 21.3 A Member may not offer a substitute for his own amendment to a bill.

On June 13, 1947,(17) the following proceedings took place:

MR. [JAMES G.] FULTON [of Pennsylvania]: I ask unanimous consent, Mr. Chairman, to modify my amendment.

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13. Joseph L. Evins (Tenn.).
14. Compare 116 CONG. REC. 19753, 91st Cong. 2d Sess., June 15, 1970 [proceedings relating to H.R. 15361], where a Member proposing an amendment later offered an amendment to that amendment—and, since no objection was raised, the Chair put the question on the latter amendment.
15. 87 CONG. REC. 793, 77th Cong. 1st Sess. Under consideration was H.R. 1776, to promote the defense of the United States.
16. Jere Cooper (Tenn.).
17. 93 CONG. REC. 6989, 6990, 80th Cong. 1st Sess. Under consideration was H.R. 3342, relating to a cultural relations program under the State Department.

Objection was made, whereupon the following exchange took place:

Mr. Fulton: Mr. Chairman, I offer a substitute amendment.

The Chairman:(18) The gentleman cannot do that at this time.

Offering Amendment to Substitute for Own Amendment

§ 21.4 Where there is pending an amendment and a substitute therefor, the Member who offered the original amendment may also offer an amendment to the substitute, as he is not thereby attempting to amend his own amendment.

On May 22, 1974,(19) during consideration of H.R. 14592 (military procurement authorization, fiscal 1975), the Chair responded to a parliamentary inquiry as set out below:

Mr. [Robert L.] Leggett [of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Leggett: On page 10, line 3, delete "$1,400,000,000" and insert in lieu thereof "$900,000,000.". . .

Mr. [F. Edward] Hébert [of Louisiana]: Mr. Chairman, I offer a substitute amendment for the amendment.

The Clerk read as follows:

> Substitute amendment offered by Mr. Hébert for the amendment offered by Mr. Leggett: On page 10, lines 3 and 4, delete "$1,400,000,000" and substitute "$1,126,000,000".

Mr. Leggett: Mr. Chairman, I offer an amendment to the substitute amendment for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Leggett to the substitute amendment offered by Mr. Hébert for the amendment offered by Mr. Leggett: On page 10, strike on line 3 "$1,126,000,000" and substitute "$1,000,000".

Mr. Hébert: Mr. Chairman, a parliamentary inquiry. . . .

The gentleman from California has one amendment pending, and I offered a substitute. In a parliamentary procedure, can he offer another amendment to a substitute for his own amendment for consideration?

The Chairman Pro Tempore:(20) The Chair will state the gentleman from Louisiana offered a substitute amendment for the amendment offered by the gentleman from California. The gentleman from California in turn is now offering an amendment to the substitute amendment, which would be in order. The gentleman from California is not attempting to amend his own amendment.

En Bloc Amendments

§ 21.5 Where a Member has, by unanimous consent, been permitted to offer several amendments en bloc, and then desires to modify one of the amendments, the Clerk may rereport a

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18. Thomas A. Jenkins (Ohio).
19. 120 Cong. Rec. 16112, 16149, 16151, 93d Cong. 2d Sess.
20. B. F. Sisk (Calif.).

portion of the amendment the Member seeks to modify.

On Sept. 6, 1972,(1) the following proceedings took place:

> Mrs. [Leonor K.] Sullivan [of Missouri]: Mr. Chairman, I offer the remaining amendments at the desk and I ask unanimous consent that they be considered en bloc.
>
> The Chairman:(2) The Clerk will report the amendments.
>
> The Clerk read as follows: . . .
>
> The Chairman: Is there objection to the request . . . that the amendments be considered en bloc?
>
> There was no objection.
>
> Mrs. Sullivan: Mr. Chairman, I have a parliamentary inquiry.
>
> Must I again ask unanimous consent to change the name Consumers Union to the name Consumers Federation of America?
>
> The Chairman: The Chair had understood that the gentlewoman had made the change before she submitted the amendment. Has the gentlewoman made the change in her amendment?
>
> Mrs. Sullivan: I did make the request. I do not know if I did it at the proper time.
>
> The Chairman: Will the gentlewoman send it to the desk?
>
> The Clerk will report the portion of the amendment that the gentlewoman is asking unanimous consent to change.

Point of Order Pending Against Amendment

§ 21.6 Pending a decision by the Chairman on a point of order raised against an amendment in the Committee of the Whole, the Member proposing the amendment secured unanimous consent that it be modified to delete certain language.

On Oct. 10, 1963,(3) the following proceedings took place with regard to a proposed limitation on the use of funds by the National Aeronautics and Space Administration:

> Mr. [Albert] Thomas [of Texas]: Mr. Chairman, I make a point of order against the amendment. . . .
>
> . . . [H]ere is the thing that puzzles me. If the gentleman will read with me the language found in his amendment beginning on the fourth line from the bottom:
>
> > Except pursuant to an agreement hereafter made by the President by and with the advice and consent of the Senate as provided by section 205 of the National Aeronautics and Space Act of 1958.
>
> That language puts this Subcommittee on Appropriations right into the middle of foreign affairs—and it is not in our field. It puts an extra duty on us. . . .
>
> The Chairman:(4) The Chair would like to ask the gentleman from Wash-

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1. 118 Cong. Rec. 29582, 92d Cong. 2d Sess. Under consideration was H.R. 13514.
2. J. Edward Roush (Ind.).
3. 109 Cong. Rec. 19258–60, 88th Cong. 1st Sess. Under consideration was H.R. 8747.
4. Richard Bolling (Mo.).

ington a question. What is the reason for the inclusion of language at the end of the amendment. . . .

The problem the Chair is considering is why there is any need to include the language at the end of the amendment unless in some way it changes existing law?

MR. [THOMAS M.] PELLY [of Washington]: Mr. Chairman, I would say that it does not change existing law but simply follows it. But, in order to clarify this matter I ask unanimous consent to strike from the amendment the words from "except pursuant to an agreement" to the end.

THE CHAIRMAN: Is there objection to the request of the gentleman from Washington?

There was no objection.

THE CHAIRMAN: The Clerk will report the modified amendment.

Unanimous-Consent Request Following Demand for Recorded Vote

§ 21.7 Pending a request for a recorded vote following a voice vote on an amendment the Committee of the Whole, by unanimous consent, vacated the Chair's putting of the question on the amendment to permit a modification or amendment thereof, and further debate thereon.

On Jan. 29, 1980,(5) during consideration of H.R. 4788(6) in the Committee of the Whole, the proceedings described above occurred as follows:

THE CHAIRMAN:(7) When the Committee of the Whole rose on Monday, January 28, 1980, title I was open to amendment at any point, and pending was a demand for a recorded vote made by the gentleman from Pennsylvania (Mr. Edgar) on an amendment offered by the gentleman from Illinois (Mr. Michel).

Does the gentleman from Pennsylvania (Mr. Edgar) insist on his demand for a recorded vote?

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, I ask unanimous consent that the Chair's putting of the question on the Michel amendment be vacated.

THE CHAIRMAN: Is there objection to the request of the gentleman from Illinois? . . .

MR. [ROBERT W.] EDGAR [of Pennsylvania]: Further reserving the right to object, the gentleman will, after this action is taken, if no one objects, then ask unanimous consent to substitute language for the language in the amendment; is that not correct?

MR. MICHEL: That is correct. . . .

THE CHAIRMAN: Is there objection to the request of the gentleman from Illinois (Mr. Michel) to vacate the proceedings by which the Chair put the

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5. 126 CONG. REC. 958–60, 96th Cong. 2d Sess.
6. The Water Resources Development Act.
7. Matthew F. McHugh (N.Y.).

question on the amendment offered by the gentleman from Illinois (Mr. Michel)?

There was no objection.

Mr. Michel: Mr. Chairman, I ask unanimous consent that the amendment be modified.

The Clerk will report the modification to the amendment offered by the gentleman from Illinois (Mr. Michel).

The Clerk read as follows:

> On page 71, immediately after line 7, insert the following and redesignate the succeeding sections accordingly. . . .

Mr. [Willaim H.] Harsha [of Ohio]: Mr. Chairman, is the parliamentary situation such, if there is no further objection to the unanimous-consent request, we then get an opportunity to discuss the amendment further, or do we just vote on it?

The Chairman: The gentleman is correct. The gentleman from Illinois (Mr. Michel) would be recognized for 5 minutes in support of his modified amendment.

Mr. Harsha: I thank the Chairman.

The Chairman: Is there objection to the unanimous-consent request of the gentleman from Illinois (Mr. Michel)?

There was no objection.

The Chairman: The gentleman from Illinois (Mr. Michel) is recognized for 5 minutes in support of his modified amendment.

Unanimous-Consent Request To Modify Reduced to Writing

§ 21.8 The Chair may insist that a unanimous-consent request to modify a pending amendment be reduced to writing to indicate the complete text of the amendment as proposed to be modified.

On Dec. 18, 1979,[8] the Committee of the Whole having under consideration H.R. 5860,[9] a modification of a pending amendment was proposed:

Mr. [Ed] Bethune [of Arkansas]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment offered by Mr. Bethune to the amendment in the nature of a substitute offered by Mr. Moorhead of Pennsylvania:
>
> Page 22, line 21, insert after "outstanding." the following new sentence: "The final report for 1981 shall include an evaluation of the long-term economic implications of the Chrysler loan guarantee program, with findings, conclusions and recommendations for legislative and administrative actions considered appropriate to future Federal loan guarantee programs.".

Mr. [Joseph L.] Fisher [of Virginia]: . . . Mr. Chairman, this is along the line of the amendment that I had printed in the Record and was going to offer. I want to inquire of the gentleman who has just presented this amendment if he would accept an addition to his amendment to incorporate some of the features of the amendment that I was going to propose. . . .

Mr. Bethune: I am familiar with the gentleman's amendment, having read it in the Record. I think the gentleman has some excellent points in his amendment. I would certainly be amenable to the gentleman's suggestion.

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[8] 125 Cong. Rec. 36824, 36825, 96th Cong. 1st Sess.

[9] Authorizing loan guarantees to the Chrysler Corporation.

THE CHAIRMAN:(10) A modification should be submitted in writing and can be adopted by unanimous consent.

MR. FISHER: Mr. Chairman, the amendment appears in writing. It would be the part beginning with the sentence just prior to the numbered items:

> The study shall consider for inclusion in guidelines relating to aid of this kind the following factors:

The factors are there listed.

Mr. Chairman, I gather the gentleman from Arkansas (Mr. Bethune) would accept that.

MR. BETHUNE: Mr. Chairman, I would accept that.

THE CHAIRMAN: The Chair will have to ask that the amendment be reduced to writing as modified. That is the only way in which it can be considered without the possibility of error.

MR. FISHER: Mr. Chairman, the amendment is at the desk.

THE CHAIRMAN: The Chair feels that the committee should have before it an amendment that includes the modification.

MR. FISHER: May I ask unanimous consent that the portion I just read be included in this amendment with the consent of the maker of it?

THE CHAIRMAN: Would the gentleman repeat that portion so that we can see if we can accommodate the gentleman?

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

The question is on the amendment offered by the gentleman from Arkansas (Mr. Bethune).

The amendment was agreed to.

Unanimous-Consent Request To Modify Pending a Request To Dispense With Reading

§ 21.9 A unanimous-consent request to modify an amendment is not in order pending a unanimous-consent request to dispense with the reading of the amendment.

On Oct. 27, 1977,(11) during consideration of H.R. 9346, the Social Security Financing Amendments of 1977, the proceedings described above were as follows:

MR. [WILLIAM M.] KETCHUM [of California] (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

THE CHAIRMAN:(12) Is there objection to the request of the gentleman from California? . . .

MR. [AL] ULLMAN [of Oregon]: Now, if it were in order, I would like to ask unanimous consent that that tax increase in 1982 be included as part of his amendment to adjust for the discrepancy that has been created by the addition of the Fisher amendment.

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10. Richard Bolling (Mo.).

11. 123 CONG. REC. 35389, 95th Cong. 1st Sess.

12. Frank E. Evans (Colo.).

The Chairman: The Chair will state that such a request would not be in order at this time.

Amendment Offered by Another After Objection

§ 21.10 In the event of objection to a unanimous-consent request to modify a pending amendment, any Member (other than the proponent of the amendment) may offer a proper amendment in writing thereto.

On Apr. 9, 1979,(13) an amendment was offered, as follows, during consideration of H.R. 3324, the International Development Cooperation Act of 1979:

Mr. [Robert E.] Bauman [of Maryland]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Bauman: On page 23, line 10, strike all of Section 303(a) and insert in lieu thereof the following new Section 303:
>
> "Sec. 303. (a) Section 533 of the Foreign Assistance Act of 1961 is amended to read as follows:
>
> " 'Sec. 533—Southern Africa Program
>
> " '(a) Of the amount authorized to be appropriated to carry out this chapter for the fiscal year 1980, $68,000,000 shall be available (only) for the countries of southern Africa. . . .
>
> " 'Such funds may be used to provide humanitarian assistance to African refugees and persons displaced by war and internal strife in southern Africa, to improve transportation links interrupted or jeopardized by regional political conflicts and to provide support to countries in that region. . . .
>
> " '(c) Of the amounts authorized to be appropriated to carry out the purposes of this section, $20,000,000 shall be made available to the government of Zimbabwe/Rhodesia which is installed in that nation as a result of the election held in April 1979, which election may be evaluated and reported upon by observers as provided for in this section.' "

Subsequently, after some discussion of the merits of a proposal to change "shall" to "may" in the last paragraph, a unanimous-consent request was made:(14)

Mr. [Paul] Findley [of Illinois]: Mr. Chairman, just to bring this to a head, I ask unanimous consent that the word "shall" which appears in two places in the last paragraph of the amendment be changed to "may."

The Chairman:(15) Is there objection to the request of the gentleman from Illinois?

Mr. [Stephen J.] Solarz [of New York]: Mr. Chairman, I object.

The Chairman: Objection is heard.

The gentleman will have to submit an amendment in writing if the Chair is to consider it.

Modification of Amendment Considered as Amendment in Third Degree

§ 21.11 Where there is pending an amendment and an amendment

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13. 125 Cong. Rec. 7755, 7756, 96th Cong. 1st Sess.

14. *Id.* at 7761.

15. Elliott H. Levitas (Ga.).

thereto, a modification of the latter amendment is in order only by unanimous consent and further amendment would be in the third degree; but a substitute for the original amendment remains in order.

On June 25, 1975,(16) the Committee of the Whole having under consideration H.R. 8069,(17) the proceedings, described above, were as follows:

THE CHAIRMAN:(18) The Clerk will read.

The Clerk read as follows:

> For expenses of the Community Services Administration, $399,185,000.
> For "Community services program" for the period July 1, 1976, through September 30, 1976, $99,800,000.

MR. [AUGUSTUS F.] HAWKINS [of California]: Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

> Amendments offered by Mr. Hawkins: On Page 44, line 18, strike "$399,185,000" and insert in lieu thereof, "$434,185,000", and on line 20, strike "$99,800,000" and insert in lieu thereof, "$108,600,000".

MRS. [YVONNE B.] BURKE of California: Mr. Chairman, I offer an amendment to the amendments offered by the gentleman from California (Mr. Hawkins).

The Clerk read as follows:

> Amendment offered by Mrs. Burke of California to the amendments offered by Mr. Hawkins: On Page 44, line 18, strike "$399,185,000" and insert in lieu thereof: "$439,385,000". . . .

MRS. BURKE of California: Mr. Chairman, I ask unanimous consent in order to clarify the Record that the amendment be corrected so it will include these figures to be inserted:

> On page 44, line 18, insert: "$474,385,000" and on page 44, line 20, insert "$144,975,000".

THE CHAIRMAN: If there is no objection, the Clerk will report the figures.

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, I am constrained to object, if it will save time.

THE CHAIRMAN: The gentlewoman has asked unanimous consent to change the amendment to the amendment, and objection is heard.

Therefore the amendment as originally offered by the gentlewoman from California will have to be considered as the amendment to the amendment offered by the gentleman from California.

MR. [JOHN] BUCHANAN [of Alabama]: Mr. Chairman, a parliamentary inquiry. Would it be in order for an amendment now to be offered if it is not offered by unanimous consent?

THE CHAIRMAN: It would depend on the form in which the amendment would come. If it is a substitute for the original amendment, it would be in order, the Chair will advise the gentleman from Alabama. However, an amendment to the amendment to the

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16. 121 CONG. REC. 20855, 20863, 94th Cong. 1st Sess.
17. Departments of Labor and Health, Education. and Welfare appropriations, 1976.
18. James C. Wright, Jr. (Tex.).

amendment would not be in order, it being in the third degree.

Modification of Amendment Offered Pursuant to Special Rule or Printed in Record

§ 21.12 While a special rule adopted by the House controlling the consideration of a bill may not be directly amended in the Committee of the Whole even by unanimous consent, the Committee may, by unanimous consent, permit the modification of an amendment, when offered, made in order by that special rule.

On Aug. 2, 1977,(19) during consideration of H.R. 8444 (the National Energy Act), there was pending in the Committee of the Whole a committee amendment under a special rule permitting a designated amendment to be offered only to such committee amendment, rather than separately to the bill. The Chair,(20) during these proceedings, entertained a unanimous-consent request to modify the designated amendment, which had been made in order by the rule and offered by Mr. William D. Ford, of Michigan. The modified amendment, while retaining its status as an amendment to the committee amendment consistent with the rule adopted by the House, changed the substantive text of the amendment by limiting its application to the committee amendment to which offered rather than, as originally printed in the Record, to the entire title of the bill. The Ford amendment read as follows:

> Amendment offered by Mr. Ford of Michigan to the ad hoc committee amendment: At the end of the committee amendment on page 180, insert the following new section:
>
> "Sec. 5. Application of Davis-Bacon Act.
>
> "The Federal employee or officer primarily responsible for administering any program established under any provision of, or amendment made by, title I of this Act which provides for Federal funding shall take such steps as are necessary to insure by contractors or subcontractors in the performance of work on any construction utilizing such funds will be paid at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a–276a–5, known as the Davis-Bacon Act); and the Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950. . . .

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19. 123 Cong. Rec. 26163, 26166, 26167, 95th Cong. 1st Sess.

20. Frank E. Evans (Colo.), Chairman pro tempore.

At this point, Mr. Richard L. Ottinger, of New York, raised a parliamentary inquiry as follows:

Mr. Ottinger: Mr. Chairman, would it be in order to ask unanimous consent that the Ford amendment be considered separately. . . .

The Chairman:[1] The Chair will state to the gentleman from New York that the Ford amendment is in order only under the rule and the rule cannot be changed.

Mr. Ottinger: And it cannot be changed by unanimous consent?

The Chairman: The Committee of the Whole cannot directly change House Resolution 727, the special rule adopted by the House, even by unanimous consent.

Subsequently, after some discussion of the scope of the Ford amendment, Mr. Ford asked unanimous consent that it be modified:

Mr. Ford of Michigan: Mr. Chairman, if the gentleman will assist me . . . I would be very happy to ask unanimous consent to add, before the words, "title I," on line 17, the words, "part III of.". . .

Mr. [Garry] Brown of Michigan: Mr. Chairman, it is my understanding that the Chair has ruled that even by unanimous consent the gentleman could not amend his amendment. All I am trying to do in this colloquy is establish the legislative understanding.

Mr. Ford of Michigan: I do not understand that there would be a ruling that by unanimous consent I cannot modify my amendment.

The Chairman Pro Tempore: The Chair will state that the Chair merely stated that the rule cannot be amended by unanimous consent. The Chair did not state that the amendment could not be amended by unanimous consent.

Mr. Ford then modified his amendment by unanimous consent, whereupon the amendment was agreed to, and the ad hoc committee amendment, as so amended, was agreed to. A parliamentary inquiry was raised, as follows:

Mr. [Robert E.] Bauman [of Maryland]: Mr. Chairman, earlier today when the gentleman from Massachusetts occupied the chair, a question was put to the Chair whether or not by unanimous consent amendments could be offered to the bill.

The resolution under which this bill is being considered says on page 2:

> No amendment to the bill shall be in order except pro forma amendments for the purpose of debate and except the following amendments, which shall be in order without the intervention of any point of order, which shall not be subject to amendment except for amendments recommended by the Ad Hoc Committee on Energy. . . .

Now, subsequent to the Chair's ruling, with the gentleman from Colorado in the chair, in response to a question when the gentleman from Michigan (Mr. Ford) offered a unanimous-consent request, said that the unanimous-consent request would be in order.

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[1] Edward P. Boland (Mass.).

My question to the Chair is, what is the ruling on unanimous-consent amendments to this bill or to the bill henceforth?

THE CHAIRMAN: The Chair will respond by indicating that the Chair at the time understood the unanimous-consent request by the gentleman from New York was to change the rule adopted by the House.

The Chair would agree that by unanimous consent modification of a pending amendment is permissible in Committee of the Whole.

MR. BAUMAN: Mr. Chairman, so any pending amendment can be modified by unanimous consent?

THE CHAIRMAN: The gentleman is correct.

Parliamentarian's Note: See also the proceedings of Sept. 1, 1976,(2) relating to H.R. 14238, legislative branch appropriations for fiscal 1977, which was considered under a "modified closed" rule (H. Res. 1507) allowing only designated amendments to be offered and prohibiting amendments to said amendments. An amendment that had been made in order under the rule and offered by Mr. George E. Shipley, of Illinois, was modified pursuant to a unanimous-consent request by Mr. Morris K. Udall, of Arizona.

§ 21.13 Where a special order providing for the consideration of a bill permits the offering only of designated amendments which have been printed in the Congressional Record, an amendment offered under the rule should be in the exact form in which it was printed in the Record, but the Committee of the Whole may by unanimous consent permit modification of the amendment to correct erroneous page and line numbers.

On Aug. 3, 1977,(3) the Committee of the Whole was considering H.R. 8444, the National Energy Act, under a special order which permitted the offering only of certain amendments. The proceedings described above were as follows:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I further direct a question to the gentleman from Ohio; this is the amendment published in the Record on July 27, 1977; am I correct?

MR. [CLARENCE J.] BROWN of Ohio: But for the page and line numbers; that is correct.

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(2) 122 CONG. REC. 28877, 94th Cong. 2d Sess.

(3) 123 CONG. REC. 26450, 26451, 95th Cong. 1st Sess.

Compare the proceedings of Apr. 1, 1976, at 122 CONG. REC. 9091, 94th Cong. 2d Sess., where the Chairman stated that it was permissible to insert a page reference in an amendment printed in the Record, where the printed amendment did not contain one, the amendment being considered in substantial compliance with the rule.

Mr. Dingell: That is the reason for my inquiry, because I observe that the page and line numbers cited therein were incorrect. The reason I am inquiring is to make sure it is the correct amendment.

Mr. Brown of Ohio: Mr. Chairman, as the gentleman knows, at the time it was published in the Record we were using page and line numbers of the bill then available to us. . . .

Mr. Chairman, if I heard the Clerk correctly, I think the Clerk read the proper page and line numbers. The amendment at the desk relates to the page and line numbers as they would be related in the bill. . . .

Mr. Dingell: Mr. Chairman, I make the observation that the rule does provide that the gentleman from Ohio (Mr. Brown) shall have the authority to offer the amendment now referred to according to the terms and the conditions of the rule. The rule says as follows:

> (3) An amendment printed in the Congressional Record of July 27, 1977, beginning on page H7996, by Representative Brown of Ohio, to part IV, title I, which amendment shall be in order only after disposition of the amendments to that part recommended by the Ad Hoc Committee on Energy printed in or adopted to the bill;

Mr. Chairman, I observe that the amendment printed in the Record is to one portion of the bill, but I observe that the amendment offered is offered to a different portion of the legislation before us.

Mr. Chairman, I am curious to know whether or not the amendment is offered in conformity with the rule.

Mr. Brown of Ohio: . . . The question of the slight differences in page numbers and so forth which were necessitated because of the fact that the printed bill in its final form was not available for the gentleman from Ohio to make reference to when he printed his amendment in the Record. Because of that circumstance we cleared with the Parliamentarian, or so we thought, the appropriateness of the amendment which was submitted to the desk in accordance with the rule. . . .

The Chairman:[4] The Chair finds that there is a difference in the page and line numbers that are now before the committee, and if the gentleman from Michigan insists upon his request, the gentleman from Ohio will have to ask unanimous consent that his amendment be modified.

Does the gentleman from Michigan insist upon his request?

Mr. Dingell: I think, Mr. Chairman, we would be better served were that done. It will not prejudice my friend from Ohio.

The Chairman: Is there objection to modification of the amendment?

Mr. [Clifford R.] Allen [of Tennessee]: Mr. Chairman, I object.

The Chairman: Objection is heard.

Mr. Dingell: Mr. Chairman, I make the same unanimous-consent request.

The Chairman: The Chair would like to advise the gentleman that the amendment will be in order regardless of the page and line numbers since an amendment to part IV of title I is permitted in the rule.

Mr. Dingell: Perhaps I can obviate some of the problems. . . . I am sure my good friend from Ohio . . . would assure us that the two amendments are substantively identical.

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[4] Edward P. Boland (Mass.).

Mr. Brown of Ohio: They are.

[After some further discussion, the Chair again put the unanimous-consent request to modify the amendment, and there was no objection.]

The Chairman: The amendment is now modified. The Clerk will continue to read the amendment.

§ 21.14 Unanimous consent was obtained in the House to modify an amendment printed in the Congressional Record and made in order for consideration in the Committee of the Whole by a special order of business.

On Sept. 4, 1985,(5) Mr. James J. Howard, of New Jersey, sought and obtained unanimous consent in the circumstance described above:

> Mr. [James J.] Howard [of New Jersey]: Mr. Speaker, I ask unanimous consent that the committee amendment at the desk which was printed in the Congressional Record on July 11, 1985, and which the rule, House Resolution 223, passed by the House on July 24 makes in order during the consideration of H.R. 10, be modified to conform to funding ceilings represented by Senate Concurrent Resolution 32, passed by the Congress August 1, 1985, setting forth the congressional budget for the United States.

§ 21.15 Where there was pending an amendment to a title of a bill being considered under a special rule permitting only germane amendments printed in the Record for at least two calendar days to be offered to that title, and prohibiting amendments thereto, a modification of an amendment printed in the Record was permitted in Committee of the Whole by unanimous consent.

On Mar. 26, 1974,(6) during consideration in the Committee of the Whole of a bill,(7) an amendment was modified by unanimous consent, as described above. The proceedings were as follows:

Mrs. [Patsy T.] Mink [of Hawaii]: Mr. Chairman, I offer an amendment to the committee substitute.

The Chairman:(8) Is the amendment printed in the Record?

Mrs. Mink: It is, Mr. Chairman.

The Clerk read as follows:

> Amendment offered by Mrs. Mink to the committee substitute: The first sentence of Section 103(a)(1), beginning on line 13 on page 28, is amended to read as follows: "Sec. 103(a)(1) There is authorized to be appropriated for each fiscal year for the purpose of this paragraph 1 per centum of the amount appropriated for such year for payments to States under section 134(a). . . .

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(5) 131 Cong. Rec. 22837, 99th Cong. 1st Sess.

(6) 120 Cong. Rec. 8253, 93d Cong. 2d Sess.

(7) H.R. 69, to amend and extend the Elementary and Secondary Education Act.

(8) Melvin Price (Ill.).

Mr. [Lloyd] Meeds [of Washington]: Mr. Chairman, I ask unanimous consent that at the end of the amendment . . . the following words be added: "and to the Secretary of the Interior for payments pursuant to (d)(1) and (d)(2).". . .

The Chairman: Is there objection to the request of the gentleman from Washington?

There was no objection.

§ 21.16 Where a special rule precludes the offering of amendments not printed in the Congressional Record by a previous date, amendments may only be offered in the form as printed and may be modified only by unanimous consent.

On Oct. 1, 1985, the Committee of the Whole had under consideration H.R. 2100, the Food Security Act of 1985. The bill was being considered pursuant to a special rule, adopted on Sept. 20, 1985, which stated in part as follows:(9)

> *Resolved,* That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2100) to extend and revise agricultural price support and related programs. . . . After general debate, which shall be confined to the bill and shall continue not to exceed two and one-half hours, two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, and thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the bill, as modified by the amendments recommended by the Committee on Merchant Marine and Fisheries now printed in the bill, as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered for amendment by titles instead of by sections, and each title shall be considered as having been read. . . . No amendment to the bill or to the substitute made in order by this resolution shall be in order except amendments printed in the Congressional Record on or before September 24, 1985, and except an amendment offered by the chairman of the Committee on Agriculture or his designee to strike out section 1141 of the substitute, as incorporated into the substitute by this resolution, and to insert the text of section 1141 of the substitute as reported by the Committee on Agriculture.

During consideration of the bill, an amendment was offered by Mr. Dan Glickman, of Kansas, against

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9. See H. Res. 267, 131 Cong. Rec. 24521, 99th Cong. 1st Sess.

which a point of order was made as indicated below:[10]

The Chairman:[11] When the Committee of the Whole rose on Thursday, September 26, title IV was open to amendment at any point to amendments printed in the Congressional Record before September 24, 1985.

Are there amendments to title IV? . . .

The Clerk read as follows:

> Amendment offered by Mr. Glickman: Title IV of H.R. 2100 is amended by—
>
> On page 65, after line 8, striking all through "shall" on line 11 and inserting in lieu thereof the following:
>
> "(2) If the Secretary determines that the availability of nonrecourse loans and purchases will not have an adverse effect on the program provided for in paragraph (3), the Secretary may"; . . .
>
> Title V of H.R. 2100 is amended by—
>
> On page 87, after line 15, striking all through "shall" on line 18 and inserting in lieu thereof the following: . . .

Mr. [Edward R.] Madigan [of Illinois]: Mr. Chairman, I believe a point of order would lie against the amendment offered by the gentleman from Kansas (Mr. Glickman) because the amendment, if I understand the amendment that is being offered, goes to more than one title of the bill. . . .

Mr. [Dan] Glickman [of Kansas]: Mr. Chairman, the amendment amends two titles of the bill. To be frank with the Chair, it was submitted as one amendment, but the intention of the author of this amendment as well as the other authors was to deal with the issues as they affected title IV and then title V. I put it in one title of the bill, but, to be honest with the Chair, the issues are divisible, they are separate. I could have amended it and put it in two separate amendments. I did not because that is not the way the issue came up in the Committee on Agriculture. . . .

Mr. Robert F. Smith [of Oregon]: . . . Mr. Chairman, [the rule] provides that consideration can only be by title, not by section. I think the point remains that there is no question that this amendment does affect two titles. . . .

Mr. [Arlan] Stangeland [of Minnesota]: . . . I just want to make the point that the amendment was printed in two distinctly separate sections. One portion of the amendment dealt with wheat and target prices and marketing loans. The second section of the amendment deals with title V, the feed grain section. Two distinctly different amendments but introduced in the Record as, unfortunately, one amendment. . . . I would just appeal to the Chair that the intent of the authors was that because they were handled en bloc in committee, we would run that way, but they are divisible, they can be addressed to title IV and title V very distinctly in the amendment. . . .

The Chairman: The Chair is prepared to rule.

The Chair would state that the Chair can only look at the form in which the amendment has been submitted for printing in the Record. According to the rule, the substitute shall be considered for amendment by title instead of by sections, and only amendments to the bill which have been printed in the Record by September 24 may be offered.

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[10] 131 Cong. Rec. 25418-20, 99th Cong. 1st Sess.

[11] David E. Bonior (Mich.).

Therefore, the only way in which the amendment that the gentleman from Kansas (Mr. Glickman) wishes to offer could be considered is by unanimous consent.

The Chair sustains the point of order.

§ 21.17 Amendments in the Committee of the Whole may be modified by unanimous consent while they are pending to reflect the version of the bill being considered but cannot initially be offered except in the form required by the special rule.

On Oct. 3, 1985,(12) where a bill was being considered under a rule requiring prior printing of amendments in the Congressional Record, an amendment printed with specific page and line numbers was offered in that form, even though that form did not conform to the version of the bill under consideration. The proceedings in the Committee of the Whole were as follows:

MR. [BERYL F.] ANTHONY [Jr., of Arkansas]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN PRO TEMPORE: Is the amendment printed in the Record?

MR. ANTHONY: It is printed in the Record, Mr. Chairman.

THE CHAIRMAN PRO TEMPORE: The Clerk will report the amendment.

MR. ANTHONY: Mr. Chairman, I ask unanimous consent that the amendment be modified to read "Page 323, strike lines 6 through 10."

THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentleman from Arkansas?

MR. [WILLIAM W.] FRANKLIN [of Mississippi]: Mr. Chairman, reserving the right to object, is this the amendment that was originally offered by the gentleman from Illinois [Mr. Rostenkowski]?

MR. ANTHONY: Yes, it is.

MR. FRANKLIN: I would like to ask, under the reservation, if I could, if the amendment that is presently at the desk is in the same form as the one printed in the Record.

MR. ANTHONY: It is the identical amendment. All it does is correct the pages, inasmuch as when the amendment was filed, it was according to the bill that was reported out of the committee rather than the one that was under the Union Calendar version. It is the identical amendment. . . .

MR. FRANKLIN: Mr. Chairman, continuing under my reservation, I would like to raise a point of order to the amendment now offered, which was originally filed by the gentleman from Illinois [Mr. Rostenkowski], and state that the amendment as printed in the Record does not refer to the sections to be amended on H.R. 2100, the Union Calendar, under which we are dealing.

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12. 131 CONG. REC. 26021, 26022, 99th Cong. 1st Sess. Under consideration was H.R. 2100, the Food Security Act of 1985.

I would call the Chair's attention to a previous ruling on a point of order when the distinguished gentleman from Massachusetts attempted to strike the honey provisions of H.R. 2100 and the Chair ruled, because of a not specific reference to line and title and page number, that that amendment was ruled out of order.

I at this time insist on my point of order to the amendment.

THE CHAIRMAN PRO TEMPORE: The amendment that is in the Record has a specific line and title and may be offered in that form.

The Clerk will report the amendment. . . .

MR. ANTHONY: Mr. Chairman, I ask unanimous consent to modify my amendment to conform with the Union Calendar version of the bill.

THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The text of the amendment, as modified, is as follows:

> Amendment offered by Mr. Anthony, as modified: Page 323, strike out lines 6 through 10.

THE CHAIRMAN PRO TEMPORE: The question is on the amendment offered by the gentleman from Arkansas [Mr. Anthony], as modified.

The amendment, as modified, was agreed to.

§ 21.18 An amendment specifically made in order under a "modified closed" rule adopted by the House and not amendable thereunder may be modified in Committee of the Whole only by unanimous consent.

The proposition stated above was the basis of the following exchange, which occurred on Aug. 14, 1986,(13) during consideration of H.R. 4428(14) in the Committee of the Whole:

MR. [JAMES A.] COURTER [of New Jersey]: Mr. Chairman, is this modification of the amendment permissible and germane, or does it need unanimous consent to be considered?

THE CHAIRMAN PRO TEMPORE:(15) The Chair will state to the gentleman from New Jersey that a modification of this sort is permitted only by unanimous consent.

MRS. [CARDISS] COLLINS [of Illinois]: Mr. Chairman, I again ask unanimous consent to offer the modification to the amendment.

THE CHAIRMAN PRO TEMPORE: Is there objection to the request of the gentlewoman from Illinois?

MR. COURTER: Mr. Chairman, I object.

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13. 132 CONG. REC. 21686, 99th Cong. 2d Sess.
14. The Department of Defense Authorization, fiscal year 1987.
15. Marty Russo (Ill.).

E. CONSIDERATION AND VOTING

§ 22. In General; Reading of Amendment

Issues relating to consideration of bills under the five-minute rule, particularly with reference to the question of when particular amendments may be offered during the reading for amendment, have been treated elsewhere in this chapter.(1) The sections which follow focus on further questions relating to the order of consideration and voting, and to debate.(2)

Rules and procedures applicable to the reading of bills for amendment having been discussed in those earlier sections, it is important here to note that amendments to a bill must be read in full or their reading dispensed with in accordance with the rules (or waived pursuant to a special rule) even where the bill itself is considered as having been read for amendment pursuant to a special rule.(3) In the 97th Congress, Rule XXIII clause 5 was amended to permit the reading of an amendment in the Committee of the Whole to be dispensed with by motion, if the amendment has been printed in the bill as reported, or if printed in the Record and submitted to the committee or committees reporting the bill.(4)

Reading of Amendment—Requirements

§ 22.1 Committee amendments to a bill must be read in full or their reading dispensed with, even where the bill itself is considered as having been read for amendment pursuant to a special rule.

On Feb. 9, 1976,(5) during consideration of H.R. 5808 in the Committee of the Whole, the proceedings were as follows:

> THE CHAIRMAN:(6) All time has expired.
>
> Under the rule, the bill is considered as having been read and open to amendment at any point under the 5-minute rule. . . .

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1. See §§ 7-14, supra.
2. For more general coverage of these subjects, see Ch. 29 (Consideration and Debate), and Ch. 30 (Voting), infra.
3. See § 22.1, infra, discussing the rule as applicable to committee amendments. For discussion of questions arising under the terms of special rules, see § 3, supra.
4. See *House Rules and Manual* § 873(b) (101st Cong.).
5. 122 CONG. REC. 2872, 94th Cong. 2d Sess.
6. Richard H. Ichord (Mo.).

The Clerk will report the first committee amendment.

The Clerk read as follows:

> Committee amendment: Strike page 1, line 3, through and including page 9, line 8, and insert in lieu thereof the following:
>
> That this Act may be cited as the "Animal Welfare Act Amendments of 1976". . . .

Mr. [Charles E.] Wiggins [of California]: Mr. Chairman, a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Wiggins: Mr. Chairman, under the rule, is the first committee amendment considered to have been read?

The Chairman: There have been no requests for considering the amendment as having been read, the Chair will advise the gentleman from California, but the Chair will entertain such a request.

Mr. [Thomas S.] Foley [of Washington]: Mr. Chairman, a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Foley: Mr. Chairman, it is my understanding that the rule itself provides that the bill shall be considered as read and open to amendment at any point.

The Chairman: Yes, that is the bill, the Chair will advise the gentleman from Washington, not the amendment.

Mr. Foley (during the reading): Mr. Chairman, I ask unanimous consent that the first committee amendment may be considered as read and printed in the Record.

The Chairman: Is there objection to the request of the gentleman from Washington?

There was no objection.

Rereporting Amendments

§ 22.2 An amendment which has been once read may not be read again except by unanimous consent.

The following exchange occurred on Mar. 26, 1965,(7) with respect to an amendment offered by Mr. Charles E. Goodell, of New York, to the Elementary and Secondary Education Act of 1965:(8)

Mr. [James C.] Cleveland [of New Hampshire]: May I have the amendment read again?

The Chairman:(9) Is there objection to the request of the gentleman from New Hampshire?

Mr. Multer and Mr. Roosevelt objected.

The Chairman: Objection is heard. The amendment may be read again only by unanimous consent.

§ 22.3 Where the Committee of the Whole resumes its consideration of a bill after an interval of time, the Chair sometimes (without objection) directs the Clerk to rereport the amendments which were pending at the time the Committee rose.

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7. 111 Cong. Rec. 6097, 89th Cong. 1st Sess.

See also 113 Cong. Rec. 5020, 90th Cong. 1st Sess., Mar. 1, 1967 (request by Mr. Sidney R. Yates [Ill.]).

8. H.R. 2362.

9. Richard Bolling (Mo.).

On May 6, 1970,(10) the Chairman(11) announced as follows:

> When the Committee rose on Thursday, April 30, 1970, there was pending the amendment of the gentleman from New York (Mr. Reid), a substitute therefor offered by the gentleman from Illinois (Mr. Findley), and the amendment to the Findley substitute offered by the gentleman from California (Mr. Leggett).
>
> Without objection, the Clerk will again report the amendment, the substitute, and the amendment to the substitute.

Reading Committee Amendments

§ 22.4 Until a committee amendment has been read, it is not in order to offer an amendment thereto; and where there are several committee amendments to a section, the first of which is pending, only an amendment to the pending committee amendment is in order.

On Feb. 20, 1964,(12) the Chair indicated that, where a Member has amendments to each of several committee amendments, he must offer such amendments singly, as each committee amendment is reported; and it is not in order to consider "en bloc" amendments to committee amendments which have not been reported.

> THE CHAIRMAN:(13) The Clerk will report the first committee amendment. . . .
>
> MR. [JEFFERY] COHELAN [of California]: Mr. Chairman, I offer an amendment to the committee amendment. . . .
>
> Mr. Chairman, I wonder if at this time I should offer my amendments en bloc, as I have two other amendments to the bill.
>
> THE CHAIRMAN: There is pending now only the first committee amendment to this section.

Amendment in Nature of Substitute

§ 22.5 Reading of an amendment in the nature of a substitute must be completed before an amendment thereto is in order.

On Jan. 23, 1962,(14) the following proceedings took place:

> MR. JAMES C. DAVIS [of Georgia] (interrupting reading of the amend-

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10. 116 CONG. REC. 14418, 91st Cong. 2d Sess. Under consideration was H.R. 17123.
11. Daniel D. Rostenkowski (Ill.).
12. 110 CONG. REC. 3217, 88th Cong. 2d Sess. Under consideration was H.R. 9637.

    For further discussion of reading for amendment, see §§ 7 et seq., supra.
13. Harold D. Donohue (Mass.).
14. 108 CONG. REC. 759, 87th Cong. 2d Sess. Under consideration was H.R. 7927.

ment): Mr. Chairman, a parliamentary inquiry.

The Chairman:(15) The gentleman will state it.

Mr. James C. Davis: Mr. Chairman, I would like to inquire as to when it will be in order to offer an amendment to the amendment which is now being read, whether it must be offered as the section is reached in reading, or wait until the entire amendment is completed?

The Chairman: The Chair will state that the entire amendment must be read before an amendment would be in order.

§ 22.6 An amendment in the nature of a substitute is not read by sections in the absence of a special rule specifying otherwise, and is open to amendment at any point when it has been read in its entirety.

An amendment in the nature of a substitute was offered, on Sept. 28, 1965,(16) by Mr. Abraham J. Multer, of New York, during consideration of a bill(17) to provide "home rule" for the District of Columbia. On the next day,(18) the following exchange took place:

Mr. [Richard L.] Roudebush [of Indiana]: Mr. Chairman, I would like to ask if the so-called Multer amendment [in the nature of a substitute] will be open at any point for amendment?

The Chairman: It would be, the Chair will state, and is open for amendment.

Mr. Roudebush: Mr. Chairman, I mean when it comes before the body.

The Chairman: It is now open for amendment at any point.

§ 22.7 When a committee amendment in the nature of a substitute is being read as an original bill for the purpose of amendment pursuant to provisions of a special rule making the bill in order, the amendment is read section by section.

On Feb. 26, 1964,(19) the following proceedings took place:

The Chairman:(1). . . Under the provisions of House Resolution 632, it is in order to consider the substitute amendment recommended by the Committee on Banking and Currency and now printed in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill.

Pursuant to the rule, the Clerk will now read the committee substitute amendment printed in the reported bill for the purpose of amendment. . . .

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15. Charles M. Price (Ill.).

16. 111 Cong. Rec. 25376 et seq., 89th Cong. 1st Sess.

17. H.R. 4644.

18. 111 Cong. Rec. 25418, 89th Cong. 1st Sess., Sept. 29, 1965. The Chairman was Eugene J. Keogh (N.Y.).

19. 110 Cong. Rec. 3641, 88th Cong. 2d Sess. Under consideration was H.R. 9022.

1. John J. Flynt, Jr. (Ga.).

Mr. [Henry S.] Reuss [of Wisconsin] (during the reading of the committee substitute amendment): Mr. Chairman, I ask unanimous consent that the further reading of the committee substitute amendment be dispensed with and that it be open for amendment at any point. . . .

Mr. [H. R.] Gross [of Iowa]: Mr. Chairman, reserving the right to object; does this mean, since this is being considered as an original bill, that with the reading of each designated section in the bill it would be in order to strike the requisite number of words in order to gain recognition; or will the entire bill be read before it will be in order to move to strike the requisite number of words?

The Chairman: If there is no objection to the unanimous-consent request of the gentleman from Wisconsin the entire bill will be considered as having been read and will be open for amendment at any point, at which time it will be in order to seek recognition under the 5-minute rule for the purpose of offering a substantive amendment or for the purpose of offering a pro forma amendment.

Mr. Gross: Mr. Chairman, then it would be in order to offer a pro forma amendment to strike the requisite number of words after the reading of each section of the bill; is that correct, if the unanimous-consent request is not granted?

The Chairman: If the bill is read by section, it will be in order to move to strike out the requisite number of words as the sections are read.

§ 22.8 Where a committee amendment in the nature of a substitute was being read by sections as an original bill for amendment and there was pending thereto an amendment in the nature of a substitute offered from the floor, the Chairman indicated that the pending amendment in the nature of a substitute for the committee amendment was open to amendment at any point.

On Apr. 11, 1973,(2) the following proceedings took place:

Mr. [Lawrence G.] Williams [of Pennsylvania]: Is the gentleman now offering his substitute as an amendment for H.R. 3180?

Mr. [Morris K.] Udall [of Arizona]: Yes. The committee had one committee amendment. We struck out all after the enacting clause and had one committee amendment. For that committee amendment I now offer one substitute.

Mr. Williams: The gentleman's entire substitute?

Mr. Udall: Yes, and it can be perfected, of course, with some amendments that may be offered. . . .

Mr. [Charles S.] Gubser [of California]: Madam Chairman, is the substitute amendment now open to amendment at any point?

The Chairman:(3) Yes, it is.

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2. 119 Cong. Rec. 11795, 11798, 93d Cong. 1st Sess. Under consideration was H.R. 3180.

For further discussion of reading for amendment, see §§ 7 et seq., supra.

3. Martha W. Griffiths (Mich.).

Amendment Considered as Read and Open to Amendment

§ 22.9 When an amendment in the nature of a substitute is, by unanimous consent, considered as read and open to amendment, the entire amendment is then subject to substantive or pro forma amendment.

On Feb. 26, 1964,[4] the following proceedings took place:

> THE CHAIRMAN:[5] . . . Pursuant to the rule, the Clerk will now read the committee substitute amendment printed in the reported bill for the purpose of amendment.
>
> The Clerk read as follows:
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the first sentence of subsection (b) of section 7 of the International Development Association Act (22 U.S.C. 284e(b)) is amended by striking out ", after paying the requisite part of the subscription of the United States in the Association required to be made under the articles,".
>
> MR. [HENRY S.] REUSS [of Wisconsin] (during the reading of the committee substitute amendment): Mr. Chairman, I ask unanimous consent that the further reading of the committee substitute amendment be dispensed with and that it be open for amendment at any point.
>
> THE CHAIRMAN: Is there objection to the request of the gentleman from Wisconsin?
>
> MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, reserving the right to object; does this mean, since this is being considered as an original bill, that with the reading of each designated section in the bill it would be in order to strike the requisite number of words in order to gain recognition; or will the entire bill be read before it will be in order to move to strike the requisite number of words?
>
> THE CHAIRMAN: If there is no objection to the unanimous-consent request of the gentleman from Wisconsin the entire bill will be considered as having been read and will be open for amendment at any point, at which time it will be in order to seek recognition under the 5-minute rule for the purpose of offering a substantive amendment or for the purpose of offering a pro forma amendment.
>
> MR. GROSS: Mr. Chairman, then it would be in order to offer a pro forma amendment to strike the requisite number of words after the reading of each section of the bill; is that correct, if the unanimous-consent request is not granted?
>
> THE CHAIRMAN: If the bill is read by section, it will be in order to move to strike out the requisite number of words as the sections are read.

Parliamentarian's Note: When an amendment in the nature of a substitute is being read by sections, substantive as well as pro forma amendments are in order following the reading of each section.

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[4] 110 CONG. REC. 3641, 88th Cong. 2d Sess. Under consideration was H.R. 9022.

For general discussion of amendments to bills considered as read and open to amendment, see § 11, supra.

[5] John J. Flynt, Jr. (Ga.).

Amendment To Indicate Page and Line Number

§ 22.10 When an amendment in the nature of a substitute (consisting of numbered pages and lines) is pending, an amendment to that amendment should indicate the appropriate page and line number to which it is to be offered; and a Member who intends to propose such an amendment may ascertain the appropriate page and line number by inspecting the amendment at the Clerk's desk or obtaining a copy thereof at the committee tables.

On Aug. 7, 1964,(6) the following proceedings took place:

> MR. [HOWARD W.] SMITH of Virginia: For some time now we have been discussing the parliamentary situation with respect to amendments that might be offered to the substitute which has just been read. . . . I assume we will proceed by the printed matter that appeared a couple of days ago in the Congressional Record. If we do, and one wishes to offer an amendment, how is he going to identify his amendment and tie it to the proper place and the proper section of a bill that has no lines in it?
>
> THE CHAIRMAN:(7) Permit the Chair to suggest to the gentleman from Virginia that the clerks can assist anyone desiring to offer an amendment to the pending amendment with respect to the particular place in the pending amendment where such an amendment would lie. . . . The amendment which has been read has a page and line in it, and if the gentleman from Virginia has an amendment he desires to offer, the amendment would be offered to that page and to that line of the pending amendment.

Failure To Distribute Copies of Proposed Amendments

§ 22.11 It is not the immediate responsibility of a Member offering an amendment to insure that copies of the amendment are distributed according to the requirements of Rule XXIII clause 5, and improper distribution will not prevent consideration of that amendment.

On Feb. 19, 1975,(8) during consideration in the Committee of the

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6. 110 CONG. REC. 18573, 88th Cong. 2d Sess. Under consideration was H.R. 11377.

For further discussion of the form in which amendments are to be offered, see § 1, supra.

7. Wilbur D. Mills (Ark.).

8. 121 CONG. REC. 3596, 94th Cong. 1st Sess. For further discussion of the effect of failure to distribute copies of amendments in accordance with Rule XXIII, see § 1, supra.

See Rule XXIII clause 5(a), *House Rules and Manual* § 870 (101st Cong.), stating in part: Upon the offering of any amendment by a

Whole of a bill,(9) the Chair responded to a point of order as indicated below:

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Ashbrook: On page 7 after line 24 insert a new section 5 (and number the succeeding Sections accordingly).
>
> Sec. 5. (a) Section 208(a) of the Regional Rail Reorganization Act of 1973. The sentence "The final system plan shall be deemed approved at the end of the first period of 60 calendar days of continuous session of Congress after such date of transmittal unless either the House of Representatives or the Senate passes a resolution during such period stating that it does not favor the final system." is amended by deleting the language after "shall" and inserting in lieu thereof "be voted by each House of Congress within the period of 60 calendar days of continuous session of Congress after such date of transmittal.". . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I reserve a point of order. . . .

THE CHAIRMAN:(10) Does the gentleman from Michigan desire to be heard on his point of order?

MR. DINGELL: Mr. Chairman, I make the point of order on two bases, the first of which is that under the rules of the House the proponent must have made copies of the amendment available to the cloakroom of the majority and the minority. They must have made the necessary number of copies available both to the reading clerk and to the two committee desks. I have checked with both of the committee desks and find that this rule has not properly been complied with.

The second point of order, Mr. Chairman, is that the amendment goes beyond the scope of the legislation before us. . . .

THE CHAIRMAN: The Chair is prepared to rule.

On the first point of order as raised by the gentleman from Michigan, it is not the immediate responsibility of the Member under the rule to see that the distribution of the copies is made and consideration of the amendment cannot be prevented for that reason. Therefore the first point of order is overruled.

As to the second point made by the gentleman from Michigan, the Chair has examined the amendment as well as the "Ramseyer" in the report on the bill under consideration, and in the opinion of the Chair, the bill under consideration amends several sections of the act, and is so comprehensive an amendment as to permit germane amendments to any portion of the law. . . . Therefore the Chair overrules the

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Member, when the House is meeting in the Committee of the Whole, the Clerk shall promptly transmit to the majority committee table five copies of the amendment and five copies to the minority committee table. Further, the Clerk shall deliver at least one copy of the amendment to the majority cloak room and at least one copy to the minority cloak room.

9. H.R. 2051, to amend the Regional Rail Reorganization Act of 1973.

10. Walter Flowers (Ala.).

point of order raised by the gentleman from Michigan.

§ 22.12 In response to a parliamentary inquiry, the Chairman of the Committee of the Whole indicated that the rule concerning distribution of proposed amendments by the Clerk (Rule XXIII clause 5) was a matter of courtesy, not mandate, and the Clerk's failure to distribute copies did not prohibit consideration of the amendment.

On Mar. 14, 1975,(11) the Committee of the Whole having under consideration H.R. 25, the Surface Mining and Reclamation Act, a parliamentary inquiry was directed to the Chair and the following proceedings occurred:

MR. [SAM] STEIGER of Arizona: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:(12) The gentleman will state his parliamentary inquiry.

MR. STEIGER of Arizona: Mr. Chairman, without a copy of the amendment, we cannot understand the purpose of the amendment.

I thought that under the new rules we are under some obligation to provide some sort of amendment in written form so that those Members who wish to go to the extra effort might read and understand what is going on.

Am I correct or incorrect, Mr. Chairman?

THE CHAIRMAN: It does not stop the consideration of an amendment, although that is supposed to be the custom.

MR. STEIGER of Arizona: Mr. Chairman, the rule is simply a matter of courtesy rather than one of mandate?

THE CHAIRMAN: The gentleman is correct.

§ 22.13 No point of order lies against an amendment by reason of the fact that exact copies of the amendment as submitted to, and read by, the Clerk have not been distributed, clause 5 of Rule XXIII only requiring distribution and not preventing consideration.

An example of the proposition stated above occurred on July 2, 1980,(13) during consideration of H.R. 7235, the Rail Act of 1980.

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11. 121 CONG. REC. 6708, 94th Cong. 1st Sess.

See Rule XXIII clause 5(a), *House Rules and Manual* § 870 (101st Cong.) stating in part: Upon the offering of any amendment by a Member, when the House is meeting in the Committee of the Whole, the Clerk shall promptly transmit to the majority committee table five copies of the amendment and five copies to the minority committee table. Further, the Clerk shall deliver at least one copy of the amendment to the majority cloak room and at least one copy to the minority cloak room.

12. Neal Smith (Iowa).

13. 126 CONG. REC. 18288, 18290-92, 96th Cong. 2d Sess.

The proceedings in the Committee of the Whole were as follows:

Mr. [James J.] Florio [of New Jersey]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Florio: Page 103, line 14, insert "or (c)" immediately after "subsection (b)".
>
> Page 104, line 20, strike out the closing quotation marks and the following period.
>
> Page 104, after line 20, insert the following new subsection: . . .

Mr. [Edward R.] Madigan [of Illinois]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Madigan as a substitute for the amendment offered by Mr. Florio:
>
> Page 103, line 14 insert "or (c)" immediately after "subsection (b)".
>
> Page 104, line 20, strike out the closing quotation marks and the following period. . . .

The Clerk read as follows:

> Amendment offered by Mr. Eckhardt to the amendment offered by Mr. Madigan as a substitute for the amendment offered by Mr. Florio: page 3, strike out lines 14 through 20.
>
> Page 3, line 5, strike out "(1)".
>
> Page 3, line 13, strike out "; or" and insert in lieu thereof a period.
>
> Pages 4 and 5, strike out "20,000" and insert in lieu thereof "5,000".

Mr. Florio: Mr. Chairman, I reserve a point of order.

The Chairman:(14) The gentleman from New Jersey reserves a point of order.

Mr. Florio: We have not got a copy of the amendment, and what was just shown does not comply with what was just read.

The Chairman: The Chair will advise the gentleman from New Jersey that the amendment that has been read is the amendment that is pending. The fact that the gentleman does not have a copy of the amendment does not give rise to a point of order.

Putting Question Where Amendment Is Divided for Vote

§ 22.14 Portions of a divided amendment having been agreed to on separate votes, the question recurred on the remainder of the amendment.

On Aug. 17, 1972,(15) during consideration of a pending amendment to the Equal Educational Opportunities Act of 1972,(16) the Chairman(17) announced as follows:

> The gentleman from Wisconsin demands a division and a separate vote on those portions of the pending amendment of the gentlewoman from Oregon (Mrs. Green) to section 403 and section 406. . . .

Subsequently, votes were taken in the following order:

The Chairman: . . . The question is on that portion of the amendment re-

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14. Les AuCoin (Oreg.).

15. 118 Cong. Rec. 28906, 92d Cong. 2d Sess.

16. H.R. 13915.

17. Morris K. Udall (Ariz.).

lating to section 403 of the amendment offered by the gentlewoman from Oregon (Mrs. Green).

Such portion of the amendment was agreed to. . . .

THE CHAIRMAN: The question is on that portion of the amendment relating to section 406 of the amendment offered by the gentlewoman from Oregon (Mrs. Green).

Such portion of the amendment was agreed to. . . .

THE CHAIRMAN: The question is on the remainder of the amendment offered by the gentlewoman from Oregon (Mrs. Green).

The remainder of the amendment was agreed to.

Parliamentarian's Note: Rejection of a portion of an amendment on a division of the question should be distinguished from the situation where an amendment to an amendment, striking out a portion thereof, is agreed to. In the latter event, the question would recur on the original amendment, as amended, but where a portion of an amendment is rejected on a separate vote, the question merely recurs on the remainder of the amendment.

§ 23. Order of Consideration Generally

The four forms of amendment permitted by Rule XIX may be pending simultaneously. They must, however, be voted on in a definite sequence, as follows: (1) amendments to the amendment, if any, are disposed of first, seriatim, until the amendment is perfected; (2) amendments to the substitute are next voted on, seriatim, until the substitute is perfected; (3) the substitute is next voted on; (4) the amendment is voted on last, so that if the substitute has been agreed to, the vote is on the amendment as amended by the substitute.(18) Thus, where there is pending in the House an amendment, a substitute therefor and an amendment to the substitute, the vote is first taken on the amendment to the substitute, then on the substitute as amended, and then on the amendment

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18. See, for example, 108 CONG. REC. 13415, 87th Cong. 2d Sess., July 12, 1962 (response of Chairman Wilbur D. Mills [Ark.] to the parliamentary inquiry by Mr. Hale Boggs [La.], during consideration of H.R. 11921).

The order in which amendments are to be voted on is prescribed by Rule XIX, *House Rules and Manual* § 822 (101st Cong.).

Amendments to a bill reported by a standing committee are taken up in Committee of the Whole in proper sequence and not as shown in the reported bill when, through error, the standing committee submitted them for printing in improper order. 112 CONG. REC. 8428, 89th Cong. 2d Sess., Apr. 19, 1966.

as amended by the substitute; and defeat of the amendment as amended by the substitute results in the rejection of the language included in the substitute as amended.(19) Where the House has adopted a special rule permitting the consideration of amendments in Committee of the Whole only in a prescribed order, the Committee of the Whole must rise to permit the House, by unanimous consent, to change the order of consideration of certain amendments in Committee of the Whole. (Only the House, and not the Committee of the Whole, may by unanimous consent alter the terms of a special rule previously agreed to by the House.)(20)

In General

§ 23.1 Where there was pending in Committee of the Whole an amendment, an amendment thereto, a substitute therefor and an amendment to the substitute, the Chairman indicated that the vote would first be taken on the amendment to the original amendment, then on the amendment to the substitute, then on the substitute, and finally on the original amendment (as amended).

On May 6, 1970,(21) the following proceedings took place:

The Chairman:(1) The first amendment to be voted on will be the amendment offered by the gentleman from New York (Mr. Bingham) to the amendment offered by the gentleman from New York (Mr. Reid).

Mr. [Paul] Findley [of Illinois]: Mr. Chairman, a further parliamentary inquiry.

The Chairman: The gentleman will state his parliamentary inquiry.

Mr. Findley: Then, I further suggest that the Bingham amendment be defeated, and as I understand the parliamentary situation, assuming that the Bingham amendment is defeated, the next vote will be on the Leggett amendment. Am I correct on that?

The Chairman: The gentleman is correct; to the substitute offered by the gentleman from Illinois.

Mr. Findley: And then next will be the substitute which I offered?

The Chairman: The gentleman is correct.

§ 23.2 Where there was pending an amendment, a substitute therefor and an amendment to

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19. See 119 Cong. Rec. 21320, 93d Cong. 1st Sess., June 26, 1973 (proceedings during consideration of H.J. Res. 636, including response of Speaker Carl Albert [Okla.] to parliamentary inquiry by Mr. Sidney R. Yates [Ill.].

20. For discussion of special rules and their effect generally, see § 3, supra.

21. 116 Cong. Rec. 14424, 91st Cong. 2d Sess. Under consideration was H.R. 17123.

1. Daniel D. Rostenkowski (Ill.).

the substitute, the Chair indicated in response to a parliamentary inquiry that the vote would first be taken on the amendment to the substitute, then on the substitute as amended, and finally on the amendment as amended by the substitute.

On June 5, 1974,(2) during consideration in the Committee of the Whole of the bill H.R. 14747 (to amend the Sugar Act of 1948), a parliamentary inquiry was addressed to the Chair as set out below:

> MR. [HAROLD R.] COLLIER [of Illinois]: Mr. Chairman, a parliamentary inquiry. Is the new Ford proposal an amendment to the amendment, since there is already an amendment with a pending substitute before the House?
>
> THE CHAIRMAN:(3) The new Ford amendment is an amendment to the substitute. . . .
>
> MR. COLLIER: Then the parliamentary situation in voting on this would be what?
>
> THE CHAIRMAN: The Members will vote on the amendment to the substitute first, and then vote on the substitute, as amended.
>
> MR. COLLIER: And then there would be a vote on the substitute amendment, as amended?
>
> THE CHAIRMAN: That is correct.

§ 23.3 Where there were pending in Committee of the Whole an amendment in the form of a new section, an amendment thereto and a substitute therefor, the Chairman indicated that the vote would first be taken on the amendment to the amendment and then on the substitute.

On June 17, 1971,(4) the following exchange took place:

> MR. [CHARLES S.] GUBSER [of California]: Could the Chair inform the gentleman regarding the order in which votes might come, assuming that no other amendments or substitutes are offered at this time?
>
> THE CHAIRMAN:(5) The first vote would come on the Robison amendment to the Nedzi-Whalen amendment.
>
> MR. GUBSER: Then, if that vote fails, the vote would come on the Mink substitute?
>
> THE CHAIRMAN: That is right.

§ 23.4 Where there is pending an amendment, an amendment thereto and a substitute therefor, the vote is taken on the amendment to the amendment before the vote recurs on the substitute.

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(2) 120 CONG. REC. 17872, 93d Cong. 2d Sess.

(3) James J. Burke (Mass.).

(4) 117 CONG. REC. 20553, 92d Cong. 1st Sess. Under consideration was H.R. 8687.

(5) Daniel D. Rostenkowski (Ill.).

On Sept. 26, 1973,(6) the following proceedings took place:

Mr. [William J.] Keating [of Ohio]: Mr. Chairman, will the vote be on the amendment offered as a substitute by the gentleman from Texas to the amendment offered by the gentleman from New Jersey (Mr. Rodino)?

The Chairman:(7) The Chair will state that there is a perfecting amendment to the amendment offered by the gentleman from New Jersey (Mr. Rodino). The first question occurs on the perfecting amendment to the amendment. Thereafter the vote will occur on the amendment offered by the gentleman from Texas (Mr. Gonzalez), as a substitute for the amendment offered by the gentleman from New Jersey (Mr. Rodino).

If the substitute amendment is agreed to, the vote will recur on the original amendment, as amended. If the substitute fails, the vote will then occur on the amendment offered by the gentleman from New Jersey (Mr. Rodino) in the form in which it was offered.

§ 23.5 Where the four amendments permitted under Rul XIX are pending, the amendment is perfected before the substitute.

On July 12, 1962,(8) the following proceedings took place:

Mr. [Hale] Boggs [of Louisiana]: I would appreciate it if the Chair would explain exactly what the voting situation is on the amendment offered by the gentleman from Texas [Mr. Casey], the amendment offered by the gentleman from Pennsylvania [Mr. Morgan], the substitute offered by the gentleman from Ohio, and the amendment to the substitute.

The Chairman:(9) If the gentleman from Louisiana would permit the Chair to respond to the parliamentary situation, the Chair would advise that the vote first will occur on the amendment offered by the gentleman from Pennsylvania [Mr. Morgan] to the amendment offered by the gentleman from Texas [Mr. Casey]. The next vote will occur on the amendment offered by the gentleman from New Jersey [Mr. Frelinghuysen] to the substitute amendment offered by the gentleman from Ohio [Mr. Feighan]. The next vote will occur on the substitute offered by the gentleman from Ohio [Mr. Feighan]. The last vote then occurs on the Casey amendment.

Mr. Boggs: That is, provided the amendment in the nature of a substitute offered by the gentleman from Ohio as amended by the gentleman from New Jersey is voted down?

The Chairman: The vote finally occurs on the Casey amendment whether the substitute is agreed to or

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6. 119 Cong. Rec. 31463, 93d Cong. 1st Sess. Under consideration was H.R. 981.

7. Brock Adams (Wash.).

8. 108 Cong. Rec. 13415, 87th Cong. 2d Sess. Under consideration was H.R. 11921.

9. Wilbur D. Mills (Ark.).

not. It would be the Casey amendment as amended by the substitute if the substitute is agreed to.

The question now occurs on the amendment offered by the gentleman from Pennsylvania [Mr. Morgan] to the amendment offered by the gentleman from Texas [Mr. Casey].

§ 23.6 The Chairman advised that should a pending amendment to an amendment be agreed to, the vote would then recur on the amendment, as amended.

On June 28, 1967,(10) the following proceedings took place:

Mr. [William F.] Ryan [of New York]: Mr. Chairman, if the amendment of the gentleman from Indiana [Mr. Roudebush] is adopted, will the House have an opportunity to vote on the amendment of the gentleman from Pennsylvania [Mr. Fulton]?

The Chairman:(11) The Chair will state, in response to the parliamentary inquiry, that if the amendment of the gentleman from Indiana to the amendment of the gentleman from Pennsylvania is adopted, the vote will then recur on the amendment of the gentleman from Pennsylvania as amended by the amendment of the gentleman from Indiana.

§ 23.7 Where there was pending a committee amendment in the form of a new title, an amendment thereto and a substitute therefor, the first vote was on the amendment to the committee amendment, then on the substitute, and then on the committee amendment as it may have been amended.

On Apr. 6, 1977,(12) the Committee of the Whole having under consideration a bill,(13) the Chair responded to a parliamentary inquiry as described above:

The Chairman:(14) The question is on the amendment offered by the gentleman from Massachusetts (Mr. Tsongas) to the committee amendment.

Mr. [Paul E.] Tsongas: Mr. Chairman, I have a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Tsongas: Mr. Chairman, I believe it is in order that we vote first on the substitute offered by the gentleman from Ohio (Mr. Wylie), is it not?

The Chairman: No. The Chair will state that the vote on the amendment to the committee amendment will occur first. Following that there will be a vote on the substitute for the committee amendment, as amended, if the amendment offered by the gentleman from Massachusetts (Mr. Tsongas) to the committee amendment is adopted. Following that there will be a vote on the committee amendment, as it may have been amended.

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(10) 113 Cong. Rec. 17748, 90th Cong. 1st Sess. Under consideration was H.R. 10340.

(11) John J. Flynt, Jr. (Ga.).

(12) 123 Cong. Rec. 10773, 10774, 95th Cong. 1st Sess.

(13) H.R. 5262, providing for increased participation by the United States in international financial institutions.

(14) Robert Duncan (Oreg.).

§ 23.8 The question is first put on a perfecting amendment to an amendment, and then on a substitute for the original amendment, and if the substitute is adopted, the vote recurs immediately upon the original amendment as amended by the substitute, and further perfecting amendments are not in order.

On May 1, 1979,(15) during consideration of House Concurrent Resolution 107(16) in the Committee of the Whole, the Chair responded to a parliamentary inquiry concerning the order in which amendments would be voted upon, as described above. The proceedings were as follows:

> Amendment offered by Mr. [Paul] Simon [of Illinois]: In the matter relating to the appropriate level of total new budget authority increase the amount by $2,223,000,000;
>
> In the matter relating to the appropriate level of total budget outlays increase the amount by $1,522,000,000. . . .
>
> In the matter relating to Function 050—National Defense increase the amount for budget authority by $628,000,000; and increase the amount for outlays by $315,000,000. . . .
>
> In section (3);
>
> In the matter relating to Function 050—National Defense increase the amount for outlays by $166,000,000. . . .
>
> Amendment offered by Mr. Charles H. Wilson of California to the amendment offered by Mr. Simon: Strike out the amount by which the appropriate level of total new budget authority for fiscal year 1979 is proposed to be increased and insert in lieu thereof "$2,871,000,000". . . .
>
> Strike out the amount by which the amount for outlays for fiscal year 1979 for National Defense is proposed to be increased and insert in lieu thereof "$702,000,000". . . .

Mr. [Jack] Edwards of Alabama: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Edwards of Alabama as a substitute for the amendment offered by Mr. Simon: In the matter relating to the appropriate level of total new budget authority increase the amount by $1,122,368,000. . . .
>
> In Section 6(b):
>
> In the matter relating to Function 050 increase the amount for budget authority by $1,458,368,000; and increase the amount for outlays by $505,176,000. . . .

Mr. Edwards of Alabama: Mr. Chairman, very briefly, this amendment strikes all of the Simon amendment except for the defense function, and in that case it uses the Charles H. Wilson of California amendment as the defense number. . . .

Mr. [Peter A.] Peyser [of New York]: Mr. Chairman, so that I under-

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15. 125 Cong. Rec. 9299–9301, 9311, 96th Cong. 1st Sess.

16. The first concurrent resolution on the Budget, fiscal 1980.

stand the situation, if the Edwards substitute were to prevail and some Member had an amendment to the Simon amendment, we would not have a bill to amend at this time; is that correct? In other words, a Member would have to offer a totally separate amendment because this amendment is not speaking to the matters to which the Simon amendment spoke?

THE CHAIRMAN:(17) The Chair would like to advise the gentleman from New York (Mr. Peyser) that the first vote would come on the Charles H. Wilson of California amendment to the amendment offered by the gentleman from Illinois (Mr. Simon). The second vote would come on the substitute offered by the gentleman in the well, the gentleman from Alabama (Mr. Edwards), and if that substitute were adopted the vote would recur immediately without further amendment on the Simon amendment as amended by the substitute.

MR. PEYSER: I thank the Chair.

§ 23.9 Once a perfecting amendment to an amendment is disposed of, the original amendment, as amended or not, remains open to further perfecting amendment, and all such amendments are disposed of prior to voting on substitutes for the original amendment and amendments thereto.

On July 26, 1984,(18) during consideration of H.R. 11(19) in the Committee of the Whole, the proceedings described above occurred as follows:

The Clerk will report the amendment offered by the gentleman from Indiana (Mr. Coats).

The Clerk read as follows:

> Amendment offered by Mr. Coats: Page 91, after line 14, insert the following new section (and redesignate the succeeding sections accordingly):
>
> VOLUNTARY SCHOOL PRAYER
>
> Sec. 806. Part B of the General Education Provisions Act is amended by inserting after section 420 (20 U.S.C. 1228) the following new section: . . .

MR. [STEVEN] GUNDERSON [of Wisconsin]: Mr. Chairman, I offer an amendment to the amendment.

MR. [DAN R.] COATS [of Indiana]: Mr. Chairman, I reserve a point of order on the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Gunderson to the amendment offered by Mr. Coats:
>
> In Section 420A of the General Education Provisions Act (as proposed to be added by the amendment of the amendment of the gentleman from Indiana) strike out the first sentence and insert in lieu thereof the following: "No State or local educational agency shall deny individuals in public schools the opportunity to participate in moments of silent prayer.". . .

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17. William H. Natcher (Ky.).

18. 130 CONG. REC. 21231, 21251, 21253, 98th Cong. 2d Sess.

19. The education amendments of 1984.

MR. [DUNCAN L.] HUNTER [of California]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Hunter as a substitute for the amendment offered by Mr. Coats: In lieu of the matter proposed to be inserted, insert the following:
>
> VOLUNTARY SCHOOL PRAYER
>
> Sec. 806. Part B of the General Education Provisions Act is amended by inserting after section 420 (20 U.S.C. 1228) the following new section: . . .

MR. [DON] BONKER [of Washington]: Mr. Chairman, we have a fairly complex parliamentary procedure. I wonder if the Chair would explain to the Members the various motions as they would occur.

THE CHAIRMAN PRO TEMPORE:(20) The first vote will be on the Gunderson amendment to the amendment of Mr. Coats. If no further amendments are offered to the Coats amendment, then the vote will occur on the substitute amendment offered by the gentleman from California (Mr. Hunter) if no amendments are offered to his substitute amendment.

MR. BONKER: As amended?

THE CHAIRMAN PRO TEMPORE: As amended or not.

MR. BONKER: Possibly by Gunderson, if that amendment is adopted?

THE CHAIRMAN PRO TEMPORE: Or possibly by another Member. . . .

MR. [CHARLES E.] SCHUMER [of New York]: Mr. Chairman, I was confused by that explanation; could the Chair go over it once again?

THE CHAIRMAN PRO TEMPORE: . . . The first vote will be on the Gunderson amendment to the Coats amendment. If no other amendments are offered, then the next vote will be on the Hunter amendment, which is a substitute for the Coats amendment. Any amendment to the Hunter substitute would have to be offered before the vote on the Hunter substitute. Then after the Hunter substitute is voted on, the Coats amendment will be voted on.

Amendments to Original Amendment Disposed of First

§ 23.10 While the Chair may, in his discretion, recognize a senior committee member to offer an amendment to a pending substitute before recognizing a junior committee member to offer a perfecting amendment to the original amendment, the question will not be put on the amendment to the substitute until all amendments to the original amendment are disposed of.

Perfecting amendments to an amendment may be offered and voted on, seriatim, before the question is put on a pending perfecting amendment to a substitute for the amendment. An application of this procedure may be seen in the proceedings of May 15, 1979,(1) during consideration of

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20. Abraham Kazen, Jr. (Tex.).

1. 125 CONG. REC. 11152, 11153, 11158, 96th Cong. 1st Sess.

H.R. 39, the Alaska National Interest Lands Conservation Act of 1979. Pending was an amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries (also called the "Breaux-Dingell" amendment). Also pending was a substitute for that amendment, offered by Mr. Morris K. Udall, of Arizona.

THE CHAIRMAN:[2] The question is on the amendments offered by the gentleman from Louisiana (Mr. Huckaby) to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries.

The amendments to the amendment in the nature of a substitute were agreed to. . . .

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, I have a group of amendments I wish to offer [to the amendment offered by Mr. Udall as a substitute for the amendment in the nature of a substitute].

MR. [THOMAS J.] HUCKABY [of Louisiana]: Mr. Chairman, I also have amendments to the amendment in the nature of a substitute at the desk.

THE CHAIRMAN: The Chair will state that he is advised by the Parliamentarian that the gentleman from Ohio (Mr. Seiberling) may offer his amendments [to the Udall substitute], but that the votes will come on any amendments which would be offered to Breaux-Dingell before they will come on the amendments offered by the gentleman from Ohio (Mr. Seiberling).

The Clerk will report the amendments.

The amendments to the substitute read as follows:

> Page 4, add to the Table of Contents:
>
> Sec. 935. Protraction Diagrams.
>
> Page 11, lines 17-18, strike "subsistence-oriented lifestyle" and insert in lieu thereof "subsistence way of life". . . .

MR. [KEITH G.] SEBELIUS [of Kansas]: Mr. Chairman, I offer Sebelius amendments 1 and 2 to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries.

MR. SEIBERLING: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state the parliamentary inquiry.

MR. SEIBERLING: Mr. Chairman, I do not believe we have voted on this amendment yet.

THE CHAIRMAN: That is correct. As long as there are amendments pending for the Merchant Marine and Fisheries matter proposed, we will take those prior to voting on the gentleman's amendments.

The gentleman from Kansas (Mr. Sebelius) has, I understand, amendments to the Merchant Marine and Fisheries matter.

THE CHAIRMAN: The Clerk will designate the amendments.

The amendments offered to the amendment in the nature of a substitute are as follows:

> Section 201 of the Breaux-Dingell bill is amended by revising paragraph (3) (page 294, line 23) to read as follows: . . .

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[2] Paul Simon (Ill.).

—*Amendments to Original Amendment in Order Following Disposition of Amendment to Substitute*

§ 23.11 Perfecting amendments to an amendment are offered and voted on before a perfecting amendment pending to the substitute is voted on; but disposition of the perfecting amendment to the substitute does not preclude the offering of further amendments to the amendment.

On May 15, 1979,(3) the Committee of the Whole having under consideration H.R. 39,(4) the above-stated proposition was illustrated as indicated below:

> Mr. [John B.] Breaux [of Louisiana]: I would ask the Chair, is it appropriate now that we consider voting on the Seiberling amendment?
>
> The Chairman:(5) The Chair will put the question.
>
> Mr. [Don] Young of Alaska: Mr Chairman, I have a parliamentary inquiry.
>
> The Chairman: The gentleman will state it.
>
> Mr. Young of Alaska: There is an additional amendment to the Breaux-Dingell bill by the gentleman from Washington (Mr. Swift). Is that not what is before the House right now?
>
> The Chairman: The Chair would make clear that voting on the Seiberling amendment does not preclude further amendments to the Merchant Marine and Fisheries amendment in the nature of a substitute.
>
> The question is on the amendments en bloc offered by the gentleman from Ohio (Mr. Seiberling) to the substitute offered by the gentleman from Arizona (Mr. Udall).
>
> The amendments to the substitute were agreed to.

Proposition Read as Original Text for Amendment, and Amendments Thereto

§ 23.12 To a proposition being read as original text for amendment there may be pending at one time only one amendment in the nature of a substitute, a substitute therefor, a perfecting amendment to the original amendment in the nature of a substitute and a perfecting amendment to the substitute, and any further amendment to perfecting amendments would be in the third degree; and the vote is first taken on perfecting amendments to the original amendment, then on perfecting amendments to the substitute, then on the substitute (as perfected), and finally on the original amendment in the nature of a substitute (as amended).

In the proceedings described below, which occurred on May 18,

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(3) 125 Cong. Rec. 11180, 96th Cong. 1st Sess.

(4) Alaska National Interest Lands Conservation Act of 1979.

(5) Paul Simon (Ill.).

1978,(6) the Committee of the Whole had under consideration H.R. 39, the Alaska National Interest Conservation Lands Act of 1978. An amendment in the nature of a substitute (the Leggett amendment) was offered which, pursuant to House Resolution 1186, agreed to the previous day, was to be read for amendment under the five-minute rule as an original bill by titles. To such amendment, an amendment in the nature of a substitute (the "Meeds amendment") was subsequently offered.

THE CHAIRMAN:(7) When the committee rose on yesterday, Wednesday, May 17, 1978, all time for general debate had expired, the Clerk had read through line 4 on page 1 of the bill. . . .

MR. [ROBERT L.] LEGGETT [of California]: Mr. Chairman, I offer an amendment in the nature of a substitute, the text of H.R. 12625.

THE CHAIRMAN: The Clerk will read the amendment in the nature of a substitute by titles.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Leggett: Strike out all after the enacting clause and insert in lieu thereof the following. . . .

MR. [MORRIS K.] UDALL [of Arizona]: . . . The script we have put together here was that when section 1 of the Leggett amendment, the consensus substitute, was read, the gentleman from Washington (Mr. Meeds) would offer his substitute, but that I would offer a substitute for the Meeds amendment, and we would then have foreclosed these nongermane things that we have been talking about. But it would also be understood that both sides, the Meeds and the Udall substitutes, would be open. As long as anybody has serious amendments, we would be prepared to stay here and take them and discuss those serious amendments.

MR. [ROBERT E.] BAUMAN [of Maryland]: I have a parliamentary inquiry. . . .

At that point have we gotten into amendments in the third degree, or would amendments to both the pending substitutes be in order?

THE CHAIRMAN: Perfecting amendments to the Meeds amendment if offered or amendments to a substitute thereto would be in order.

MR. BAUMAN: But no further amendments in the nature of a substitute would be in order at that point?

THE CHAIRMAN: That is correct.

MR. UDALL: I am advised that the parliamentary preference is that the main amendment, the Meeds amendment, get priority and could be perfected first, after which the substitute I have could be perfected before the committee chooses between those two, so we are not going to try to foreclose any opportunity to have the gentleman from Washington (Mr. Meeds) perfect

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6. 124 CONG. REC. 14391, 14394, 95th Cong. 2d Sess. For discussion of permissible pending amendments, and amendments in the third degree, see §§ 5 and 6, supra.
7. Paul Simon (Ill.).

his amendment as much as he desires, or as much as the Members desire. . . .

Mr. Bauman: I would like to put the parliamentary inquiry to the Chair, whether, indeed, that is the parliamentary situation.

The Chairman: Perfecting amendments to the Meeds' amendment if offered will be voted on first, and the amendments to the Udall substitute offered would [then] be voted upon.

All Amendments Voted On

§ 23.13 The vote is first taken on a perfecting amendment to an amendment, then on a perfecting amendment to a substitute therefor, then on the substitute and then on the amendment; and all such pending amendments must be voted on, even where a perfecting amendment which substantially replaces the text of the original (primary) amendment is adopted.

On Aug. 1, 1978,[8] the Committee of the Whole having under consideration H.R. 12514,[9] the above-stated proposition was illustrated as indicated below:

The Clerk read as follows:

> ASSISTANCE AND SALES TO TURKEY
>
> Sec. 16. (a) Section 620(x) of the Foreign Assistance Act of 1961 is repealed.
>
> (b) Section 504(a)(1) of the Foreign Assistance Act of 1961 is amended by striking out the following:
>
> "Turkey————48,000,000". . . .

Mr. [Dante B.] Fascell [of Florida]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Fascell: To section 16 of H.R. 12514, as reported: On page 13, line 2, delete all of section 16 through line 7 and insert, in lieu thereof, the following:
>
> "Sec. 16. Section 620(x) of the Foreign Assistance Act of 1961 is amended as follows:
>
> Strike out the language following the colon in the first sentence, through the period, and insert in lieu thereof the following: "*Provided*, That the President may suspend the provisions of this subsection. . . .

Mr. [James C.] Wright [Jr., of Texas]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Wright to the amendment offered by Mr. Fascell: In lieu of the section proposed to be inserted, insert the following section:
>
> Sec. 16. (a) Section 620(x) of the Foreign Assistance Act of 1961 shall be of no further force and effect upon the President's determination and certification to the Congress that the resumption of full military cooperation with Turkey is in the national interest of the United States. . . .

Mr. [John F.] Seiberling [of Ohio]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Seiberling as a substitute for amendment offered by Mr. Fascell: Page 13, strike out lines 2 through 7 and

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[8] 124 Cong. Rec. 23694-96, 23709, 23717, 23725, 95th Cong. 2d Sess.

[9] The International Security Assistance Act of 1978.

insert in lieu thereof the following section:

TURKEY ARMS EMBARGO

Sec. 16. (a) Section 620(x) of the Foreign Assistance Act of 1961 shall be of no further force and effect upon the President's determination and certification to the Congress that the resumption of full military cooperation with Turkey is in the national interest of the United States. . . .

Mr. [David F.] Emery [of Maine]: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Emery to the amendment offered by Mr. Seiberling as a substitute for the amendment offered by Mr. Fascell: Page 2, at the end of line 21 (of the Seiberling Substitute), insert the following new sentence: "In particular, defense articles furnished to the government of Turkey after the enactment of this act shall not be transferred to Cyprus.". . .

Mr. Fascell: Mr. Chairman, I am trying to get the parliamentary situation straight as to what is now pending. Am I correct in stating that there is an amendment, the Fascell amendment, pending; that there is a substitute to the Fascell amendment?

The Chairman:[10] The gentleman is correct.

Mr. Fascell: There is an amendment to the substitute?

The Chairman: There is an amendment offered by the gentleman from Maine to the substitute. There is also an amendment to the Fascell amendment offered by the gentleman from Texas (Mr. Wright).

The vote will occur on the Wright amendment first. Should it be adopted or defeated, the votes will occur on the Emery amendment to the substitute amendment offered by the gentleman from Ohio (Mr. Seiberling).

Mr. Fascell: So the first vote, then, I ask the Chair, is on the amendment offered by the gentleman from Texas (Mr. Wright) to the Fascell amendment?

The Chairman: Correct.

Mr. Fascell: Then the substitute will be offered, then the amendment will be perfected?

The Chairman: The perfecting amendment to the substitute will be voted on, and then the substitute. . . .

Mr. Seiberling: Mr. Chairman, am I correct in stating that the substitute which will be voted on after the Wright amendment is voted on is identical to the Wright amendment except for the Seiberling addition?

The Chairman: That is not in the form of a parliamentary inquiry, the Chair will state to the gentleman from Ohio. . . .

Mr. [Edward J.] Derwinski [of Illinois]: If the Wright amendment stands—known as the "wrong" amendment—if the Wright amendment is agreed to, then the Seiberling and Emery amendments have fallen by the wayside?

The Chairman: That is not correct. They still must be voted on.

Where Amendment in Nature of Substitute Considered Original Text

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10. Don Fuqua (Fla.).

§ 23.14 Where pursuant to a special rule the first section of a committee amendment in the nature of a substitute had been read for amendment, and there was pending an amendment in the nature of a substitute for the committee amendment, an amendment thereto and a substitute therefor, the Chair indicated in response to a parliamentary inquiry that the amendment in the nature of a substitute and the substitute therefor could each be perfected by amendment before a vote was had on the substitute, but that the original committee bill had not been read and was not open to amendment.

On Feb. 5, 1976,(11) during consideration of a bill(12) in the Committee of the Whole, the Chair responded to a parliamentary inquiry regarding the situation described above. The proceedings were as follows:

THE CHAIRMAN:(13) When the Committee rose on yesterday there was pending an amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Krueger) for the substitute committee amendment, an amendment offered by the gentleman from Texas (Mr. Eckhardt) to the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Krueger) and a substitute amendment offered by the gentleman from Iowa (Mr. Smith) for the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Krueger).

MR. [BOB] ECKHARDT [of Texas]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state the parliamentary inquiry. . . .

MR. ECKHARDT: Mr. Chairman, do I correctly understand the parliamentary situation to be this, that there is before the House as one stem of legislation which may be amended, the original bill from the committee?

There is also the Krueger amendment in the form of a substitute, made in order, of course, by the Committee on Rules as a rule; and there is also another substitute, the Smith amendment, that is before the body, that these three all may be amended; but no more than one amendment to each may be available for consideration of the House at any given time?

THE CHAIRMAN: The Chair will state that the gentleman is nearly correct. The basic bill, the basic committee product, has not been read. Therefore, it is not subject to amendment at this point.

The Krueger amendment is subject to amendment, and there is pending to the Krueger amendment the gentleman's amendment. The Smith substi-

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11. 122 CONG. REC. 2628, 94th Cong. 2d Sess. For further discussion of amendments in the nature of a substitute, see § 25, infra.

12. H.R. 9464, Natural Gas Emergency Act of 1976.

13. Richard Bolling (Mo.).

tute for the Krueger amendment is pending to the Krueger amendment, and it can be amended. There is no amendment pending to the Smith substitute at this time.

Mr. Eckhardt: Let me put it this way: It would be appropriate to vote on an amendment pending to the Krueger amendment prior to the time a vote would be taken with respect to the Smith substitute?

The Chairman: That is correct.

Mr. Eckhardt: In other words, each of the pieces of legislation before us is subject to being perfected before a choice is made between the two?

The Chairman: That is correct.

Time Limit on One Branch of Amendment Tree

§ 23.15 Where there was pending an amendment in the nature of a substitute, a substitute therefor and an amendment to the substitute, and debate had been limited on the substitute and all amendments thereto but not on the original amendment or amendments thereto, the Chair indicated that (1) further amendments to the substitute or modifications of the substitute by unanimous consent must await disposition of the pending amendment to the substitute; (2) amendments to the original amendment could be offered and debated under the five-minute rule and would be voted on before amendments to the substitute; (3) amendments to the substitute could be offered and voted upon without debate unless printed in the Record pursuant to Rule XXIII clause 6; and (4) the question would not be put on the substitute until all perfecting amendments to it and to the original amendment were disposed of.

On Feb. 5, 1976,(14) during consideration of H.R. 9464, the Natural Gas Emergency Act of 1976, there was pending an amendment in the nature of a substitute (the Krueger amendment); a substitute therefor (the Smith amendment); and an amendment to the substitute (the Eckhardt amendment). A unanimous-consent request was made to limit debate:

Mr. [John D.] Dingell [of Michigan]: Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I ask unanimous consent that all debate on the Smith amendment and all amendments thereto terminate immediately upon the conclusion of consideration of the amendment offered by the gentleman from Texas (Mr. Eckhardt). . . .

There was no objection. . . .

Mr. [Clarence J.] Brown of Ohio: Mr. Chairman, as I understood it, the unanimous-consent request of the gentleman from Michigan (Mr. Dingell) was that all debate on the Smith substitute amendment cease after the dis-

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14. 122 Cong. Rec. 2646–48, 94th Cong. 2d Sess.

position of the Eckhardt amendment. The Eckhardt amendment would be the pending business then, and immediately after the determination of the Eckhardt amendment, we would vote on the Smith amendment. Is that not correct? . . .

THE CHAIRMAN:(15) Not necessarily, because there could be an amendment to the Krueger amendment, which would be debatable. . . .

. . . Before we vote on the Smith substitute, amendments to the Krueger amendment are debatable if offered. . . .

The point that the Chair is trying to make, regardless of what agreements are reached, is that until the Krueger amendment is finally perfected to the satisfaction of the Committee, the Chair cannot put the question on the Smith substitute.

MR. BROWN of Ohio: The Chair cannot put the question on the Smith amendment?

THE CHAIRMAN: The Chair cannot put the question on the Smith substitute until the Krueger amendment is perfected to the satisfaction of the Committee.

There has been no limitation of debate on the Krueger amendment or amendments thereto. The basic parliamentary situation is that we have a substitute amendment for the amendment in the nature of a substitute, the Krueger amendment. Both of those are subject to amendment, but both must be perfected before the Chair can put the question on the substitute for the amendment in the nature of a substitute.

MR. BROWN of Ohio: With respect to the unanimous-consent request of the gentleman from Michigan (Mr. Dingell), the Eckhardt amendment is still to be voted upon, and then there are to be no other amendments to the Smith amendment?

THE CHAIRMAN: There is to be no further debate on such amendments. . . .

MR. BROWN of Ohio: Mr. Chairman, if my time still applies, I would like to ask the Chair to state the circumstances. If I may, before the Chair does that, I would like to ask the question this way: As the situation stands at this moment, the Krueger amendment is still perfectable by amendments under the normal course of time, and there is no limitation on the Krueger amendment.

The Smith amendment, however, can be perfected only by the vote on the Eckhardt amendment, and then if there are other amendments to the Smith amendment there is no debate time remaining on those amendments. Is that correct?

THE CHAIRMAN: Unless they are printed in the Record.

MR. BROWN of Ohio: And if they are printed in the Record, the debate time is 5 minutes per side pro and con. Is that correct?

THE CHAIRMAN: That is correct. . . .

MR. DINGELL: Mr. Chairman, it is, however, a fact that the gentleman may have an amendment at the desk and it may be voted on without debate under the unanimous-consent request?

THE CHAIRMAN: That is correct.

MR. [ROBERT] KRUEGER [of Texas]: Mr. Chairman, I have a parliamentary inquiry.

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15. Richard Bolling (Mo.).

The Chairman: The gentleman will state it.

Mr. Krueger: Mr. Chairman, there are still those of us who are not certain of the parliamentary situation. I am among them.

Mr. Chairman, my question is this: We will vote first on the Eckhardt amendment to the Smith substitute?

The Chairman: That is right.

Mr. Krueger: Following that, there will then be a vote without further debate on the Smith substitute, or no?

The Chairman: The Chair cannot say, because if there were amendments printed in the Record, there can be both an amendment offered and debate on the amendment. If there were no amendments that were qualified for debate by being printed in the Record, they could not be offered and voted on without debate.

But if they are offered to the Krueger amendment in the nature of a substitute, they would both be considered and would be debatable under the 5-minute rule. . . .

The 5-minute rule applies only to amendments to the Smith amendment which has been printed in the Record. Other amendments to the Smith amendment do not have debate time; they are just voted on. . . .

Mr. [Benjamin A.] Gilman [of New York]: Mr. Chairman, I offer an amendment to the Krueger amendment in the nature of a substitute. My amendment has been printed in the Record.

The Clerk read as follows:

> Amendment offered by Mr. Gilman to the amendment in the nature of a substitute offered by Mr. Krueger immediately after section 26 of the Natural Gas Act (as added by section 208) insert the following:
>
> "TREATMENT OF RATES AND CHARGES FOR NATURAL GAS SOLD TO SENIOR CITIZENS
>
> "Sec. 27. (a) The Commission shall prohibit any natural-gas company from selling or otherwise supplying natural gas to any local natural gas company which increases the rates for natural gas sold to senior citizens. . . .

Mr. [Joe D.] Waggonner [Jr., of Louisiana] (during the reading): Mr. Chairman, I have a point of order.

The point of order lies to the fact that the amendment now being read is to the Krueger amendment in the nature of a substitute and is not in order until there has been a disposition of the Eckhardt amendment to the Smith substitute.

The Chairman: The Chair has stated that any amendment to the Krueger amendment in the nature of a substitute may now be offered and is debatable.

Mr. Waggonner: But, Mr. Chairman, the amendment is not in order until there has been a disposition of the Eckhardt amendment to the Smith substitute which is now under consideration.

The Chairman: This amendment takes precedence. This amendment takes precedence over the amendment to the substitute amendment. That is what the Chair has been trying to say now, repeatedly. The amendment that has precedence is an amendment to the amendment in the nature of a substitute, and this is the amendment that is now before the committee. . . .

The question is on the amendment offered by the gentleman from Texas (Mr. Eckhardt) to the amendment offered by the gentleman from Iowa (Mr.

Smith) as a substitute for the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Krueger).

The question was taken; and on a division (demanded by Mr. Eckhardt) there were—ayes 33, noes 35.

So the amendment to the substitute amendment for the amendment in the nature of a substitute was rejected.

Precedence of Perfecting Amendments to Original Text

§ 23.16 Where there is pending an amendment in the nature of a substitute, perfecting amendments and amendments thereto to the pending portion of underlying text may be offered and are voted on prior to the vote on the amendment in the nature of a substitute and amendments thereto.

On Apr. 13, 1983,(16) the Committee of the Whole having under consideration House Joint Resolution 13,(17) the above-stated proposition was illustrated as indicated below:

Mr. [Elliott H.] Levitas [of Georgia]: Mr. Chairman, I have a perfecting amendment at the desk to section 2 of House Joint Resolution 13.

The Chairman:(18) The Chair will advise that perfecting amendments to the underlying text are in order at this time while the Levitas amendment in the nature of a substitute is pending. But the Chair will also point out that if any Member is recognized to offer a perfecting amendment at this time, debate will not be limited on the perfecting amendment and the vote will first come on the perfecting amendment and on any potential amendments thereto before the question is put on the Levitas substitute.

—Perfecting Amendment to Original Text Voted On First

§ 23.17 While an amendment in the nature of a substitute is pending to a proposition which is open to amendment at any point, a perfecting amendment to the original text may be offered, and a perfecting amendment to the amendment in the nature of a substitute may be offered; but the perfecting amendment to the original text is voted on first.

An example of the situation described above occurred on May 3, 1979,(19) during consideration of House Concurrent Resolution 107(20) in the Committee of the Whole. The proceedings were as follows:

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16. 129 Cong. Rec. 8402–04, 98th Cong. 1st Sess.
17. Nuclear Weapons Freeze.
18. Matthew F. McHugh (N.Y.).
19. 125 Cong. Rec. 9654, 9660, 9663, 96th Cong. 1st Sess.
20. The first concurrent resolution on the Budget, fiscal 1980.

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Rousselot: Strike all after the resolving clause and insert in lieu thereof the following:
>
> That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1979—
>
> (1) the recommended level of Federal revenues is $515,000,000,000, and the amount by which the aggregate level of Federal revenues should be decreased is $10,000,000,000. . . .

MR. [CHALMERS P.] WYLIE [of Ohio]: Mr. Chairman, I offer a perfecting amendment to the text of the concurrent resolution (H. Con. Res. 107).

The Clerk read as follows:

> Perfecting amendment offered by Mr. Wylie: Strike out sections 1 through 5 and insert in lieu thereof the following:
>
> That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1979. . . .

MR. [CHARLES E.] GRASSLEY [of Iowa): Mr. Chairman, I offer a perfecting amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

> Perfecting amendment offered by Mr. Grassley to the amendment in the nature of a substitute offered by Mr. Rousselot:
>
> In the matter relating to the appropriate level of total new budget authority reduce the amount by $1,100,000,000. . . .

MR. WYLIE: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:(1) The gentleman from Ohio will state his parliamentary inquiry.

MR. WYLIE: The gentleman from Iowa (Mr. Grassley) is offering an amendment to the amendment in the nature of a substitute offered by the gentleman from California (Mr. Rousselot), as I understand it.

THE CHAIRMAN: The gentleman is correct.

MR. WYLIE: That would be voted on before my perfecting amendment?

THE CHAIRMAN: No. The perfecting amendment offered by the gentleman from Ohio (Mr. Wylie) to the concurrent resolution would be voted on first.

MR. WYLIE: That was my understanding Mr. Chairman. My amendment includes the amendment offered by the gentleman from Iowa (Mr. Grassley).

MR. GRASSLEY: Mr. Chairman, I am offering the perfecting amendment to the amendment in the nature of a substitute offered by the gentleman from California (Mr. Rousselot).

THE CHAIRMAN: The gentleman from Ohio (Mr. Grassley) is offering the perfecting amendment to the amendment in the nature of a substitute offered by the gentleman from California (Mr. Rousselot). The perfecting amendment to the main resolution offered by the gentleman from Ohio would be voted on first.

§ 23.18 Pending the vote on a perfecting amendment to an amendment in the nature of a

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1. William H. Natcher (Ky.).

substitute (to a proposition open for amendment at any point), a perfecting amendment to the original text may be offered and must be voted on first.

On May 3, 1979,[2] during consideration of House Concurrent Resolution 107[3] in the Committee of the Whole, the proceedings described above occurred as follows:

MR. [STEPHEN J.] SOLARZ [of New York]: Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment in the nature of a substitute offered by the gentleman from California (Mr. Rousselot).

PARLIAMENTARY INQUIRIES

MR. SOLARZ: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[4] The gentleman will state his parliamentary inquiry.

MR. SOLARZ: Mr. Chairman, if I were to withdraw my request to speak at this particular time on the Rousselot amendment in the nature of a substitute, would a vote then be in order on the Grassley amendment to the Rousselot amendment in the nature of a substitute?

THE CHAIRMAN: The gentleman is correct.

MR. [GERALD B.] SOLOMON [of New York]: Mr. Chairman, I have an amendment at the desk which I think would precede the vote on the Rousselot amendment in the nature of a substitute.

THE CHAIRMAN: Is the gentleman's amendment a perfecting amendment to the resolution?

MR. SOLOMON: To the basic resolution, yes, Mr. Chairman.

THE CHAIRMAN: The Clerk will report the amendment.

PERFECTING AMENDMENT OFFERED BY MR. SOLOMON

MR. SOLOMON: Mr. Chairman, I offer a perfecting amendment.

The Clerk read the perfecting amendment offered by Mr. Solomon and, following brief debate, the Chair put the question thereon.

Committee Amendments and Amendments Offered From Floor

§ 23.19 Amendments recommended by a committee reporting a bill are normally considered before amendments offered from the floor; and where a "modified closed" rule adopted by the House permitted consideration of reported committee amendments en bloc and permitted three designated amendments to be offered without specifying the order of consideration, the Chairman of the

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[2] 125 CONG. REC. 9664, 96th Cong. 1st Sess.

[3] The first concurrent resolution on the Budget, fiscal 1980.

[4] William H. Natcher (Ky.).

Committee of the Whole required that the committee amendments be first disposed of unless the Committee of the Whole determined otherwise by unanimous consent.

On Dec. 1, 1982,(5) during consideration of H.R. 6995(6) in the Committee of the Whole, the proceedings described above occurred as follows:

THE CHAIRMAN:(7) Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule. No amendments are in order except: First, the amendments en bloc recommended by the Committee on Rules now printed in the bill; second, the amendment printed in the Congressional Record of September 15, 1982, by, and if offered by, Representative Luken or Representative Lee which shall be subject to a substitute printed in the Congressional Record of September 15, 1982, by Representative Broyhill and if offered by Representative Broyhill or Representative Dingell. . . .

The Chair would entertain first the amendments en bloc recommended by the Committee on Rules now printed in the bill, unless someone requests unanimous consent to proceed otherwise.

MR. [JAMES J.] FLORIO [of New Jersey]: Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. Dannemeyer) be authorized at this point to offer the so-called Luken-Lee amendment. . . .

There was no objection.

Perfecting Amendments and Motions To Strike

§ 23.20 While a motion to strike out language in a bill is pending, a perfecting amendment to a portion of the language sought to be stricken may be offered, and it is further in order to offer an amendment to such amendment, a substitute for said amendment and an amendment to the substitute; the vote is taken first on the amendment to the amendment, then on the amendment to the substitute, then on the substitute, and then on the amendment; the vote then recurs on the original motion to strike, which if adopted deletes any perfections adopted to the original language sought to be stricken.

An example of the situation described above occurred on July 18, 1979,(8) during consideration of

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5. 128 CONG. REC. 28206, 28209, 97th Cong. 2d Sess. For further discussion of committee amendments, see § 26, infra.
6. The Federal Trade Commission Authorization Act.
7. George E. Brown, Jr. (Calif.).
8. 125 CONG. REC. 19310-12, 19314, 19316, 96th Cong. 1st Sess. For discussion of perfecting amendments, or motions to strike and insert, and motions to strike, generally, see §§ 15-17, supra, and § 24, infra.

H.R. 4473(9) in the Committee of the Whole. The proceedings were as follows:

> The Clerk read as follows:
>
> CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION
>
> For payment to the International Development Association by the Secretary of the Treasury, $292,000,000 for the United States contribution to the fourth replenishment as authorized by the Act of August 14, 1974 (Public Law 93-373), to remain available until expended and $800,000,000, for the third installment of the United States contribution to the fifth replenishment as authorized by the Act of October 3, 1977 (Public Law 95-118), to remain available until expended. . . .

Mr. C. W. Young, of Florida, offered an amendment to strike the language after "Treasury," down to (but not including) the figure of $800,000,000:

> Amendment offered by Mr. Young of Florida: On page 4, line 4, after the comma, strike the remainder of line 4 and lines 5 through 7.
>
> **Mr. Young** of Florida: Mr. Chairman, this amendment goes to the International Development Association of the World Bank.
>
> That is the soft-loan window of the World Bank that makes loans that are 50 years' repayment with no repayment during the first 10 years, no interest, less than a 1-percent handling charge.
>
> Now, the amount of cut this amendment would accomplish is $292 million. The $292 million was arrived at because that is the amount of the so-called IDA IV replenishment.
>
> Now, the Congress last year refused to appropriate this money for the IDA IV replenishment. We also refused to do it the year before that. So what we have in effect is the administration coming back now and asking to put money back into the IDA account that we refused to do last year and the year before.
>
> Now, we are already appropriating money for the IDA V replenishment. We are already negotiating for the IDA VI replenishment.
>
> It is just my feeling that we can save our taxpayers a lot of money if we just go ahead and let IDA IV go by the board, like we did last year and like we did the year before. It is not going to hurt anybody. IDA has plenty of money. . . .
>
> **Mr. [David R.] Obey** [of Wisconsin]: Mr. Chairman, I offer an amendment. . . .
>
> The Clerk read as follows:
>
> Amendment by Mr. Obey to the [bill]: Restore the matter stricken by said amendment, changing the sum named in such matter to "$286,160,000". . . .
>
> **The Chairman:**(10) Does the gentleman from Florida insist on his point of order?
>
> **Mr. Young** of Florida: Mr. Chairman, I insist on my point of order. . . .
>
> **The Chairman:** The Chair has looked at the amendment, and the Chair would say that the amendment of the gentleman from Florida strikes a part of the bill, that the amendment

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9. Foreign Assistance Appropriations, Fiscal Year 1980.

10. Abraham Kazen, Jr. (Tex.).

sent up by the gentleman from Wisconsin is, in fact, a perfecting amendment to the bill, which is one of the exceptions of having two amendments pending at the same time. The amendment of the gentleman from Wisconsin only changes the figure that is part of the text of the bill which the gentleman from Florida seeks to strike altogether, and therefore the Chair will respectfully overrule the point of order. . . .

MR. [MATTHEW F.] MCHUGH [of New York]: Mr. Chairman, I offer an amendment to the amendment offered by Mr. Obey.

MR. YOUNG of Florida Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. YOUNG of Florida: Mr. Chairman, I am concerned about this further amendment. It seems to me that would be a third-degree amendment.

THE CHAIRMAN: No, the Chair will explain to the gentleman that the amendment offered by the gentleman from Wisconsin was in the nature of a perfecting amendment to the bill, and it of itself is in the first degree. . . .

MR. YOUNG of Florida: . . . The amendment I am reading that was originally offered by the gentleman from Wisconsin (Mr. Obey) was offered by Mr. Obey as an amendment to the amendment offered by Mr. Young of Florida.

THE CHAIRMAN: This is correct. However, the Chair has stated that the amendment has been interpreted by the Chair as being a perfecting amendment to the bill; not to the amendment offered by the gentleman from Florida, but to the bill, and subject to amendment itself. The precedents support the Chair on this point. . . .

MR. YOUNG of Florida: We now have pending the original Young of Florida amendment.

THE CHAIRMAN: Yes.

MR. YOUNG of Florida: An amendment to that amendment offered by Mr. Obey, which, in effect, was not an amendment to that amendment but which was, in effect, a perfecting amendment to the bill.

THE CHAIRMAN: This is correct. There would still be an opportunity to vote on the Young of Florida amendment striking whatever is perfected by these two amendments. . . .

MR. YOUNG of Florida: After the Young amendment and the Obey amendment, we now have the McHugh amendment to the Obey amendment. Is that correct?

THE CHAIRMAN: This is correct.

MR. YOUNG of Florida: So the parliamentary situation is that we have three amendments before us, but technically one of them is an amendment to the bill and one of them is really an amendment to the bill. So, in effect, there is a further amending procedure that could be used; that would be a substitute for the final amendment offered by Mr. McHugh.

THE CHAIRMAN: A substitute for the Obey amendment would still be in order.

MR. YOUNG of Florida: I thank the Chairman.

THE CHAIRMAN: The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. McHugh to the amendment offered by Mr. Obey: Strike out "$286,160,000" and insert in lieu thereof "$286,159,000". . . .

The Clerk read as follows:

> Amendment offered by Mrs. Smith of Nebraska as a substitute for the amendment offered by Mr. Obey: Restore the matter stricken by said amendment, changing the sum named in such matter to "$86,000,000.". . .

Mr. Young of Florida: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Young of Florida to the amendment offered by Mrs. Smith of Nebraska as a substitute for the amendment offered by Mr. Obey: Strike out "$86,000,000" and insert "$85,000,000". . . .

Mr. Young of Florida: Mr. Chairman, I have a parliamentary inquiry.

The Chairman: The gentleman will state his parliamentary inquiry.

Mr. Young of Florida: . . . I want to find out now in what order the votes will be coming, if I might.

The Chairman: The Chair will inform the gentleman that the first vote will be agreeing on the amendment offered by the gentleman from New York (Mr. McHugh) to the amendment offered by the gentleman from Wisconsin (Mr. Obey).

The second vote will come on the amendment offered by the gentleman from Florida (Mr. Young) to the substitute amendment offered by the gentlewoman from Nebraska (Mrs. Smith). Then there will be a third vote on the Smith substitute itself, and then there will be a fourth vote on the Obey amendment. Then we will have a vote on the original Young amendment.

Mr. Young of Florida: Mr. Chairman, I have a further parliamentary inquiry.

If the Obey amendment, as amended or substituted or however it might turn out, is voted on in its original form, the way that the gentleman from Wisconsin (Mr. Obey) first submitted it, it strikes and replaces a figure that would not have been stricken in the first place.

The Chairman: Then the amendment offered by the gentleman from Florida (Mr. Young) would come in for a vote after that of the gentleman from Wisconsin (Mr. Obey).

Mr. Young of Florida: Yes, Mr. Chairman, but if I may pose another parliamentary inquiry, that is the problem in which I find myself.

Until the original amendment offered by the gentleman from Florida is accepted, there is no language stricken. However, the amendment that we would be voting on, the amendment offered by the gentleman from Wisconsin (Mr. Obey), in fact says: Restore the matter stricken. But at that point nothing had been stricken. I am having a little problem with the parliamentary situation there.

The Chairman: But the Chair has explained to the gentleman that the Obey amendment was a perfecting amendment to the bill, not to the amendment offered by the gentleman from Florida (Mr. Young) and in effect the instructions in the Obey amendment to restore language are to be disregarded. If the Obey amendment carries, the Young amendment will still be voted upon after the Obey amendment has been voted on.

Mr. Young of Florida. I have a further parliamentary inquiry, Mr. Chairman.

THE CHAIRMAN: The Chair will hear the gentleman.

MR. YOUNG of Florida: Then, Mr. Chairman, will the Young amendment be in its original form, or will it have also been amended by the Obey amendment to perfect the bill?

THE CHAIRMAN: It will be in its original form.

MR. YOUNG of Florida: So the Young amendment then will be voted on in its original form regardless of what happens?

THE CHAIRMAN: The gentleman is correct.

Where Amendments To Strike, Strike and Insert, and Insert Are Pending Simultaneously

§ 23.21 A perfecting amendment to a paragraph takes precedence over a motion to strike out the paragraph and insert a new text; and where a motion to strike out a paragraph, a motion to strike out the paragraph and insert a new text, and a perfecting amendment to the paragraph are pending, the amendments are voted on in the reverse order.

On July 12, 1951, the Chair indicated that, if a motion to strike out a paragraph and insert new language is agreed to, a pending amendment proposing to strike out the paragraph falls and is not voted upon. On that date, a bill(11) was under consideration to amend the Defense Production Act of 1950. An amendment was offered as follows:(12)

> Amendment offered by Mr. [Howard H.] Buffett [of Nebraska]: Page 8, line 25, strike out all of subsection (e). . . .

A further (perfecting) amendment was offered:(13)

> Amendment offered by Mr. [Jesse P.] Wolcott [of Michigan] as a substitute for the amendment offered by Mr. Buffett: Page 8, line 25, strike out subsection (e) and insert in lieu thereof the following: . . .

The following proceedings then took place:

> MR. [JACOB K.] JAVITS [of New York]: Mr. Chairman, I offer an amendment perfecting the language sought to be stricken by the amendment offered by the gentleman from Nebraska [Mr. Buffett]. . . .
>
> Amendment offered by Mr. Javits: On page 9, line 1, after the word "defense", insert "and upon the certification of the Director of Defense Mobilization that it is required for the national defense and is not otherwise obtainable."(14)

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(11) H.R. 3871.

(12) 97 CONG. REC. 8073, 82d Cong. 1st Sess.

(13) *Id.* at p. 8077. A motion to strike and insert is not a proper substitute for a motion to strike. However, a perfecting amendment to strike and insert was in order and the Wolcott amendment was so treated.

(14) *Id.* at p. 8084.

The Chairman:(15) . . . Under the rules the perfecting amendment will be voted upon first; the motion to strike out and insert will be voted upon next; and, should the amendment by the gentleman from Michigan [Mr. Wolcott] be adopted, the motion made by the gentleman from Nebraska [Mr. Buffett] would fall.(16)

On Sept. 15, 1970,(17) the following proceedings took place:

> Amendment offered by Mr. [Sam M.] Gibbons [of Florida]: On page 41 strike all of section 120, lines 1 through 23, inclusive. . . .
>
> Amendment offered by Mr. [James G.] O'Hara [of Michigan]: On page 41, strike out line 1 through line 23 and insert the following:
>
> > Motions in the House to Dispose of Nongermane Amendments Between the Two Houses to House or Senate Bills or Resolutions. . . .
>
> [The O'Hara amendment was agreed to.]
>
> Mr. [Durward G.] Hall [of Missouri]: Mr. Chairman, a parliamentary inquiry. Have we voted on the amendment offered by the gentleman from Florida (Mr. Gibbons)?
>
> The Chairman:(18) The Chair would like to inform the gentleman from Missouri that since the amendment to strike and insert of the gentleman from Michigan (Mr. O'Hara) was adopted, that means that the amendment offered by the gentleman from Florida (Mr. Gibbons) the motion to strike, that is, falls as a result of the adoption of the first amendment.

§ 23.22 Where it is proposed to strike out a paragraph of a bill, it is in order to perfect the paragraph, as by adding new language thereto, before acting on the motion to strike, and the perfecting amendment is first disposed of.

On Feb. 24, 1977,(19) in response to a parliamentary inquiry, the Chair indicated that a perfecting amendment adding words to a paragraph of a bill(20) would be voted on before a pending motion to strike such paragraph. The proceedings were as follows:

> Mr. [Sam] Gibbons [of Florida]: Madam Chairman, I offer an amendment.
>
> The Clerk read as follows: . . .
>
> > Page 2, strike out line 23 and all that follows down through and including line 7 on page 3. . . .
>
> Mr. [William H.] Harsha [of Ohio]: Madam Chairman, I offer a perfecting amendment.

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15. Wilbur D. Mills (Ark.).
16. 97 Cong. Rec. 8090, 82d Cong. 1st Sess.
17. 116 Cong. Rec. 31840, 31845, 31846, 91st Cong. 2d Sess. Under consideration was H.R. 17654.
18. William H. Natcher (Ky.).
19. 123 Cong. Rec. 5321, 5323, 5325, 95th Cong. 1st Sess.
20. H.R. 11, Local Public Works Capital Development and Investment Act Amendments.

The Clerk read as follows:

> Perfecting amendment offered by Mr. Harsha: Page 3, line 7, after the first period insert the following:
>
> "This subsection shall not apply in any case where the Secretary determines it to be inconsistent with the public interest, or the cost to be unreasonable. . . .

MR. GIBBONS: Madam Chairman, I move to strike the last word. I only take the floor for the purpose of asking the gentleman from Ohio to clarify his amendment. As I understand it, this amendment is a substitute for my amendment. If the gentleman's amendment is adopted, my amendment would be wiped out and his would, in effect, be reaffirmation of the existing buy American law. . . .

THE CHAIRMAN:(1) The Chair would say to the gentleman from Florida that the amendment offered by the gentleman from Ohio is a perfecting amendment to the text of the bill, and it will be voted on first because of its precedence.

MR. [ROBERT A.] ROE [of New Jersey]: Madam Chairman, would the Chair explain the parliamentary situation?

THE CHAIRMAN: The parliamentary situation is this:

The gentleman from Florida (Mr. Gibbons) offered an amendment to strike a paragraph from the bill. The gentleman from Ohio (Mr. Harsha) offered an amendment which is a perfecting amendment to the original bill and which, if it is adopted, would be a part of the original text which the gentleman from Florida proposes to strike.

The question would then occur on the amendment offered by the gentleman from Florida (Mr. Gibbons). If the amendment offered by the gentleman from Florida (Mr. Gibbons) were adopted, then the language which had been included as a perfecting amendment would also be stricken, along with the rest of the paragraph.

The question is on the perfecting amendment offered by the gentleman from Ohio (Mr. Harsha).

The perfecting amendment was agreed to.

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Florida (Mr. Gibbons).

The amendment was rejected.

Amendments To Strike All After Enacting Clause and Insert New Matter

§ 23.23 A committee amendment to the first paragraph or section of a bill is voted on before a vote is taken on an amendment to strike out all after the enacting clause and insert new matter.

On Feb. 9, 1940,(2) the following proceedings took place:

MR. [JACK] NICHOLS [of Oklahoma]: May an amendment which proposes to strike out all after the enacting clause and insert other matter be offered at any time during the process of the reading of the bill, or must it be of-

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1. Barbara Jordan (Tex.).

2. 86 CONG. REC. 1330, 76th Cong. 3d Sess. Under consideration was H.R. 960, extending the classified executive civil service of the United States.

fered at some particular point in the bill?

THE CHAIRMAN:(3) It may be offered at the conclusion of the reading of the first section, with notice that if it is adopted, motions will be made as subsequent sections are read that they be stricken out.

MR. NICHOLS: Does the Chair mean by that statement that an amendment offered at the close of the reading of the first section to strike out all after the enacting clause would not be in order?

THE CHAIRMAN: It can be done after the reading of the first section as soon as the committee amendment is disposed of.

Motion To Strike Enacting Clause

§ 23.24 A motion to strike out the enacting clause of an omnibus private bill takes precedence over an amendment to strike out a title of the bill, and if adopted, applies to the entire bill.

On May 16, 1939,(4) the following proceedings took place:

> The Clerk read as follows:
>
> H.R. 6182. A bill for the relief of sundry aliens. . . .
>
> Mr. [A. Leonard] Allen of Louisiana moves that the enacting clause be stricken out. . . .

THE SPEAKER PRO TEMPORE:(5) The gentleman from Louisiana [Mr. Allen] has offered a preferential motion to strike out the enacting clause. If that motion is adopted, then there would be no further consideration of the bill. It would apply to all titles enumerated in the bill. . . .

If the gentleman's motion is not adopted, the next procedure would be to vote upon the amendment offered by the gentleman from Ohio [Mr. Jenkins] to strike out title I of the bill.

Order of Consideration, as Specified in Special Rule, Changed by Unanimous Consent

§ 23.25 Where a special rule adopted by the House governing consideration of a bill specifies the order in which amendments may be considered in Committee of the Whole, the House (but not the Committee of the Whole) may by unanimous consent change the order of consideration of the amendments.

The proposition stated above was the basis of the following proceedings in the House, which occurred on June 14, 1984,(6) during consideration of H.R. 1510:(7)

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3. Charles F. McLaughlin (Nebr.).
4. 84 CONG. REC. 5613, 5616–18, 76th Cong. 1st Sess.
5. Fritz G. Lanham (Tex.).
6. 130 CONG. REC. 16404–05, 98th Cong. 2d Sess. For discussion of the effects of special rules on consideration generally, see § 3, supra.
7. The Immigration Reform and Control Act of 1983.

Mr. [Romano L.] Mazzoli [of Kentucky]: . . . Therefore, the gentleman from Kentucky now, Mr. Speaker, makes the unanimous-consent request that amendments numbered 46, 47, and 48 to the bill (H.R. 1510) be postponed for consideration until Tuesday next, to become the first order of business on that day.

The Speaker Pro Tempore:(8) To become the first order of business upon the resumption of the sitting of the Committee of the Whole under the terms of the rule.

Mr. Mazzoli: Precisely.

Mr. [Howard L.] Berman [of California]: Mr. Speaker, reserving the right to object, are 46, 47, and 48 king of the mountain amendments?

Mr. Mazzoli: It says king of the mountain, on page 3, yes. The gentleman is correct. . . .

The Speaker Pro Tempore: The gentleman from Kentucky (Mr. Mazzoli) asks unanimous consent that amendments numbered 46, 47, and 48 be postponed for consideration until Tuesday next and that they be in that order, the first order of business, when the Committee resumes sitting under the Committee of the Whole for the further consideration of the bill (H.R. 1510).

Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Amendments to Preamble

§ 23.26 Amendments to the preamble of a joint resolution are considered in the Committee of the Whole following the disposition of any amendments to the body of the resolution; and, in the House, amendments to the preamble of a joint resolution reported from Committee of the Whole are considered following engrossment and prior to third reading of the resolution.

On Oct. 29, 1975,(9) the Committee of the Whole having amended the preamble of a joint resolution reported the joint resolution(10) back to the House, the proceedings described above occurred as follows:

The Chairman:(11) Are there further amendments to the bill? If not, the Clerk will report the preamble.

The Clerk read as follows:

> Whereas more than twelve million Americans identify themselves as being of Spanish-speaking background and trace their origin or descent from Mexico, Puerto Rico, Cuba, Central and South America, and other Spanish-speaking countries. . . .

The Chairman: The Clerk will report the committee amendment to the preamble.

The Clerk read as follows:

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8. James C. Wright, Jr. (Tex.).

9. 121 Cong. Rec. 34282, 34283, 94th Cong. 1st Sess. For discussion of amendments to titles and preambles generally, see § 19, supra.

10. H.J. Res. 92, census statistics, economic and social, relating to Americans of Spanish origin or descent.

11. William J. Randall (Mo.).

> Committee amendment: Amend the preamble by striking out "Western Hemisphere".

The committee amendment to the preamble was agreed to.

THE CHAIRMAN: Under the rule, the committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Randall, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 92) relating to the publication of economic and social statistics for Americans of Spanish origin or descent, pursuant to House Resolution 799, reported the joint resolution back to the House with sundry amendments adopted by the Committee of the Whole.

THE SPEAKER:(12) Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

THE SPEAKER: The question is on the engrossment of the joint resolution.

The joint resolution was ordered to be engrossed.

THE SPEAKER: The Clerk will report the amendment to the preamble.

The Clerk read as follows:

> Amend the preamble by striking out "Western Hemisphere".

THE SPEAKER: The question is on the amendment to the preamble.

The amendment to the preamble was agreed to.

THE SPEAKER: The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, and was read the third time.

§ 23.27 Amendments to the preamble of a concurrent resolution are considered in the House after the resolution has been agreed to.

On Feb. 21, 1966,(13) the following proceedings took place:

> HOUSE CONCURRENT RESOLUTION 552
>
> Whereas June 15, 1966, will mark the fiftieth anniversary of the granting by Act of Congress of the charter of the Boy Scouts of America. . . .
>
> *Resolved by the House of Representatives (the Senate concurring),* That the Congress hereby pay tribute. . . .

The concurrent resolution was agreed to and a motion to reconsider was laid on the table.

The following committee amendment was agreed to:

> On pages 1 and 2, strike all "Whereas" clauses.

MR. [ARCH A.] MOORE [Jr., of West Virginia]: Mr. Speaker, I ask unanimous consent for the present consideration of Senate Concurrent Resolution 68, which is similar to House Concurrent Resolution 552. . . .

There being no objection, the Clerk read the Senate concurrent resolution. . . .

MR. MOORE: Mr. Speaker, I offer an amendment.

The Clerk read as follows:

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12. Carl Albert (Okla.).

13. 112 CONG. REC. 3473, 89th Cong. 2d Sess.

Amendment offered by Mr. Moore: Strike out all after the [resolving] clause and insert the provisions of House Concurrent Resolution 552 as passed.

The Speaker Pro Tempore:[14] Would the amendment of the gentleman from West Virginia strike out the preamble or all after the [resolving] clause and substitute the language of the House concurrent resolution just passed?

Mr. Moore: It would strike out all after the [resolving] clause.

The Speaker Pro Tempore: That would not eliminate the preamble.

Mr. Moore having indicated he would move to strike the preamble, the Senate concurrent resolution was agreed to and a motion to reconsider was laid on the table, whereupon the Chair instructed the Clerk to read Mr. Moore's motion:

The Speaker Pro Tempore: The Clerk will report the amendment of the gentleman from West Virginia.

The Clerk read as follows:

Mr. Moore moves to strike out the preamble.

The amendment was agreed to.

Amendment of Table of Contents

§ 23.28 By unanimous consent, the Committee of the Whole delayed consideration for amendment of the table of contents at the beginning of a bill until the bill had been considered for amendment in its entirety.

On Aug. 2, 1977,(15) the Committee of the Whole having under consideration H.R. 8444,(16) the unanimous-consent request described above was agreed to as indicated below:

The Chairman:(17) When the Committee rose on Monday, August 1, 1977, all time for general debate had expired.

Pursuant to the rule, the bill is considered by parts and each part is considered as having been read for amendment. No amendment shall be in order except pro forma amendments and amendments made in order pursuant to House Resolution 727, which will not be subject to amendment, except amendments recommended by the ad hoc Committee on Energy and amendments made in order under House Resolution 727.

Mr. [Thomas L.] Ashley [of Ohio]: Mr. Chairman, I ask unanimous consent that the Committee amendments to the table of contents and the table of contents be passed over and considered after all other amendments have been considered, in order that they can be correctly disposed of.

The Chairman: Is there objection to the request of the gentleman from Ohio?

There was no objection.

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14. Carl Albert (Okla.).

15. 123 Cong. Rec. 26124, 95th Cong. 1st Sess.

16. National Energy Act.

17. Edward P. Boland (Mass.).

Instance Where Two Perfecting Amendments to Same Text Were Pending Simultaneously

§ 23.29 While there may be pending only one perfecting amendment to a section at a time and there are no degrees of preference as between perfecting amendments, in one instance where there was pending an amendment proposing to strike out a subsection and insert new language, the Chair announced that an amendment which merely perfected the subsection of the bill (and which could have been drafted as a substitute) would be treated as a perfecting amendment to the bill and would be voted on first.

On Mar. 21, 1975,(18) during consideration of a bill(19) in the Committee of the Whole the proceedings, described above, occurred as follows:

The Clerk read as follows:

> Amendment offered by Mrs. Fenwick: Page 11, strike out lines 1 through 12 and insert in lieu thereof:
>
> "(d) Not more than 50 per centum of the aggregate mortgage amounts approved in appropriation Acts may be allocated (1) for use with respect to existing previously occupied dwellings which have not been substantially rehabilitated and (2) for use with respect to new, unsold dwelling units the construction of which commenced prior to the enactment of this Act. Not more than 10 per centum of the aggregate mortgage amounts approved in appropriation Acts may be allocated with respect to dwelling units with appraised values in excess of $38,000.". . .

Mr. [Les] AuCoin [of Oregon]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

> Perfecting amendment offered by Mr. AuCoin: On page 11, line 1, strike out "25" and insert in lieu thereof "30."
>
> On page 11, line 3, insert "with respect to existing units and" immediately after "use."

The Chairman:(20) The Chair will treat this amendment as a perfecting amendment to the paragraph of the bill and it will be voted on first.

Parliamentarian's Note: The AuCoin amendment could have been interpreted as a substitute for the Fenwick amendment, but it was far less comprehensive in scope and if agreed to would not have precluded the reoffering of the Fenwick amendment in its original form.

§ 24. Perfecting Amendments; Motions To Strike

No Preference Between Perfecting Amendments

§ 24.1 There may be pending but one perfecting amendment to a

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18. 121 Cong. Rec. 7950, 94th Cong. 1st Sess.

19. H.R. 4485, the Emergency Middle-Income Housing Act of 1975.

20. Robert N. Giaimo (Conn.).

section at a time and there are no degrees of preference as between perfecting amendments.

On Mar. 9, 1935,(21) during consideration of H.R. 6021, relating to home mortgage relief, an amendment was offered by Mr. Walter G. Andrews, of New York, to section 10 of the bill:

> Amendment by Mr. Andrews of New York: Page 7, line 17, after the word "following", insert a new paragraph to read as follows——
>
> . . . "In the appointment of agents and the selection of employees for said Corporation, and in the promotion of agents or employees, no partisan political test or qualification shall be permitted or given consideration, but all agents and employees shall be appointed, employed, or promoted solely upon the basis of merit and efficiency. Any member of the Board who is found guilty of a violation of this provision by the President of the United States shall be removed from office by the President of the United States and any agent or employee of the Corporation who is found guilty of a violation of this section by the Board shall be removed from office by said Board."

Subsequently, an amendment was offered by Mr. Thomas L. Blanton, of Texas:

> Amendment offered by Mr. Blanton: Page 7, line 19, after the word "office" insert "or congressional district". . . .
>
> The Chairman:(22) The Chair suggests to the gentleman from Texas that the gentleman withhold his amendment until the committee has disposed of the other perfecting amendment offered by the gentleman from New York [Mr. Andrews].
>
> Mr. Blanton: That amendment added a new section, Mr. Chairman. Mine is perfecting the text of section 10. . . .
>
> I make the point of order that any amendment that changes the text in any way or seeks to perfect it is preferential. . . .
>
> . The Chairman: The Andrews amendment does something to the bill in the way of perfecting it, and that is exactly what the gentleman's amendment does, and the committee would have two perfecting amendments pending at the same time if the gentleman's amendment was offered at this time. The Chair suggests that the gentleman withhold his amendment.

Amendment Inserting New Section

§ 24.2 Perfecting amendments to a section are considered before

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21. 79 Cong. Rec. 3291, 3294, 74th Cong. 1st Sess.

An amendment had been offered inserting a new section 11, which the Chair indicated would be voted upon after perfecting amendments to section 10 were disposed of.

For an instance in which a second perfecting amendment to text was considered and voted on prior to another perfecting amendment, see § 23.29, supra.

22. Emanuel Celler (N.Y.).

amendments proposing to insert new sections.

On Mar. 9, 1935,[23] during consideration of a bill[1] relating to home mortgage relief, the following exchange took place:

> THE CHAIRMAN:[2] The amendment offered by the gentleman from Michigan [Mr. Brown] is a proposed new section to follow section 10.
>
> MR. [THOMAS L.] BLANTON [of Texas]: Then all amendments which would perfect the text should be voted upon before the Brown amendment?
>
> THE CHAIRMAN: All amendments that perfect section 10 would naturally come before the amendment offered by the gentleman from Michigan [Mr. Brown]; that is correct.

Perfecting Amendment Voted On Before Amendment To Strike

§ 24.3 All perfecting amendments to a section of a bill must be disposed of prior to the vote recurring on a pending motion to strike out the section.

On Aug. 3, 1966,[3] the following proceedings took place:

> MR. [ARCH A.] MOORE [of West Virginia]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows: . . .
>
> MR. MOORE: Mr. Chairman, the amendment I have offered, in effect, will strike the language contained in title IV of the bill before us.
>
> MR. [CHARLES McC.] MATHIAS [Jr., of Maryland]: Mr. Chairman, I offer a perfecting amendment. . . .
>
> MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Under what conditions can a perfecting amendment to title IV be offered by the gentleman from Maryland [Mr. Mathias] in view of the fact that the amendment offered by the gentleman from West Virginia [Mr. Moore] was to strike out all of title IV. What does it perfect? Or what would it then perfect?
>
> THE CHAIRMAN:[4] Under our rules—the rules of the House, and ordinary parliamentary procedure—the basic legislation is perfected before there is a vote on an amendment to strike.

§ 24.4 The vote on a perfecting amendment takes precedence over a vote on a motion to strike out.

On Oct. 20, 1967,[5] the following proceedings took place:

> The Clerk read as follows:
>
> On page 2, line 3, strike the words "available to" and insert in lieu thereof the words "covered into a special fund in the Treasury which

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[23] 79 CONG. REC. 3291, 74th Cong. 1st Sess. For further discussion of priorities among proffered amendments, see §§ 15 et seq., supra.

[1] H.R. 6021.

[2] Emanuel Celler (N.Y.).

[3] 112 CONG. REC. 18111-15, 89th Cong. 2d Sess. Under consideration was H.R. 14765.

For further discussion of the precedence of perfecting amendments, see § 15 et seq., supra.

[4] Richard Bolling (Mo.).

[5] 113 CONG. REC. 29569, 29570, 90th Cong. 1st Sess.

> when appropriated shall be available until expended by". . . .

The Clerk read as follows:

> Amendment offered by Mr. [Craig] Hosmer [California] to the committee amendment:
>
> On page 2, line 2, after the period, strike out the remainder of line 2 and following down through line 10. . . .

THE CHAIRMAN:[6] The Chair will state that the question first [comes] on the perfecting amendment, and subsequently on the amendment offered by the gentleman from California [Mr. Hosmer], which was in effect a motion to strike.

Similarly, on May 17, 1944, the Chair stated that perfecting amendments are voted on before amendments to strike out.[7] The statement of the Chairman[8] was as follows:

> The amendment offered by the gentleman from South Dakota is offered as an amendment to the text of the bill, therefore is a perfecting amendment to the text of the bill. The vote would come first on the amendment offered by the gentleman from South Dakota in view of the fact that perfecting amendments are voted upon prior to amendments to strike out.

§ 24.5 A perfecting amendment to the text of a bill is in order pending a vote on a motion to strike out the same text and is first voted on.

On Oct. 3, 1969,[9] the following proceedings took place:

The Clerk read as follows:

> Motion offered by Mr. [Samuel S.] Stratton [of New York]: On page 16, line 9, strike all of Title V. . . .

The Clerk read as follows:

> Amendment offered by Mr. [Andrew] Jacobs [Jr., of Indiana] to title V: On page 17, immediately after line 13 insert the following:
>
> Sec. 505. . . .

MR. [L. MENDEL] RIVERS [of South Carolina]: . . . How can you have an amendment to a section that is to be stricken?

. . . I make the point of order that the amendment is not in order and is not germane to the section.

THE CHAIRMAN:[10] . . . Perfecting amendments to a title in a bill may be offered while there is pending a motion to strike out such title.

It is well established that, where both a perfecting amendment to a section and a motion to strike out the section are pending, the perfecting amendment is first voted on. Further, the Chair may decline to recognize a Member offering a motion to strike out text as a substitute for a pending motion to perfect the same text, since a motion to strike is not a proper substitute for a perfecting amendment.

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[6] Fernand J. St Germain (R.I.).

[7] See 90 CONG. REC. 4616, 78th Cong. 2d Sess. Under consideration was S. 1767, relating to aid for the readjustment in civilian life of returning war veterans.

[8] Fritz G. Lanham (Tex.).

[9] 115 CONG. REC. 28454, 28455, 91st Cong. 1st Sess. Under consideration was H.R. 14000.

[10] Daniel D. Rostenkowski (Ill.).

On June 4, 1968,(11) for example, the following proceedings took place:

> The Chairman:(12) The Clerk will report the next committee amendment.
>
> The Clerk read as follows:
>
> On page 3, line 17, after "section" insert. . . .
>
> Mr. [Porter] Hardy [Jr., of Virginia]: Mr. Chairman, a parliamentary inquiry. Would it be in order at this point to offer a substitute for the committee amendment to strike out the entire language beginning at line 7 through line 20?
>
> The Chairman: Not until we have disposed of the committee amendment. . . .
>
> Mr. Hardy: Will the committee amendment—is it not in order to offer a substitute for the committee amendment?
>
> The Chairman: After we dispose of the pending committee amendment a motion to strike out the section would be in order.

§ 24.6 A perfecting amendment to a paragraph may be offered while a motion to strike out the paragraph is pending, and the perfecting amendment is voted on first.

On June 24, 1975,(13) the Committee of the Whole having under consideration a bill,(14) an amendment was offered and proceedings were as follows:

> Mr. [Leo J.] Ryan [of California]: Mr. Chairman, I offer an amendment.
>
> The portion of the bill to which the amendment relates is as follows:
>
> SELECTIVE SERVICE SYSTEM
>
> SALARIES AND EXPENSES
>
> For expenses necessary for the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101-4118) for civilian employees; and not to exceed $1,000 for official reception and representation expenses: $40,000,000: . . .
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Ryan: Page 26, strike out line 18 and all that follows thereafter through page 27, line 13. . . .
>
> Mr. [Robert F.] Drinan [of Massachusetts]: Mr. Chairman, I have a perfecting amendment to the paragraph of the bill which the Ryan amendment seeks to strike.

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11. 114 Cong. Rec. 15889, 90th Cong. 2d Sess. Under consideration was H.R. 17268.

    See also, for further examples, 119 Cong. Rec. 26201, 26204, 93d Cong. 1st Sess., July 26, 1973; and 113 Cong. Rec. 26120, 26122, 90th Cong. 1st Sess., Sept. 20, 1967.
12. Edward P. Boland (Mass.).
13. 121 Cong. Rec. 20569, 20570, 20573, 20574, 94th Cong. 1st Sess.
14. H.R. 8070, Department of Urban Development appropriations, 1976.

The Chairman:(15) The Clerk will report the perfecting amendment.

The Clerk read as follows:

> Perfecting amendment offered by Mr. Drinan to the paragraph which the Ryan amendment seeks to strike: On page 27, line 1, strike out "$40,000,000" and insert in lieu thereof "$17,672,000."
>
> On page 27, line 11, strike out "$8,300,000" and insert in lieu thereof "$3,272,000.". . .

The Chairman: The question is on the perfecting amendment offered by the gentleman from Massachusetts (Mr. Drinan). . . .

[T]he perfecting amendment was rejected.

The Chairman: The question is on the amendment offered by the gentleman from California (Mr. Ryan).

The amendment was rejected.

§ 24.7 Where there is pending an amendment to strike out a section of a bill, a perfecting amendment to that section striking out some of its provisions and inserting new language is in order and is first voted upon.

On Apr. 19, 1973,(16) the following proceedings took place:

Mr. [James M.] Hanley [of New York]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Hanley: Page 124, strike out line 10 and all that follows down through and including the line following line 12 on page 125.
>
> Renumber succeeding sections and references thereto accordingly. . . .

Mr. [John] Buchanan [of Alabama]: Mr. Chairman, I offer an amendment as a perfecting amendment.

The Clerk read as follows:

> Perfecting amendment offered by Mr. Buchanan: Page 124, strike out line 14 and all that follows down through and including the line following line 12 on page 125, and insert in lieu thereof the following:
>
> § 149. Availability of urban system funds. . . .

The Chairman:(17). . . The question is on the perfecting amendment offered by the gentleman from Alabama (Mr. Buchanan).

The perfecting amendment was rejected.

The Chairman: The question is on the amendment offered by the gentleman from New York (Mr. Hanley).

—*Perfecting Amendment Added to End of Material Proposed To Be Stricken*

§ 24.8 In response to a parliamentary inquiry, the Chair indicated (1) that a perfecting amendment adding words to a paragraph would be voted on

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15. James G. O'Hara (Mich.).

16. 119 Cong. Rec. 13233, 13235, 13240, 93d Cong. 1st Sess. Under consideration was S. 502.

See also 116 Cong. Rec. 8188, 8190, 91st Cong. 2d Sess., Mar. 19, 1970.

17. Morris K. Udall (Ariz.).

before a pending motion to strike such paragraph, and (2) that the adoption of the motion to strike the paragraph would strike the perfecting language, if adopted, along with the rest of the paragraph.

On Feb. 24, 1977,(18) during consideration of a bill(19) in the Committee of the Whole, the Chair responded to a parliamentary inquiry as described above:

> MR. [SAM] GIBBONS [of Florida]: Madam Chairman, I offer an amendment.
>
> The Clerk read as follows: . . .
>
> > Page 2, strike out line 23 and all that follows down through and including line 7 on page 3. . . .
>
> MR. [WILLIAM H.] HARSHA [of Ohio]: Madam Chairman, I offer a perfecting amendment.
>
> The Clerk read as follows:
>
> > Perfecting amendment offered by Mr. Harsha: Page 3, line 7, after the first period insert the following:
> >
> > "This subsection shall not apply in any case where the Secretary determines it to be inconsistent with the public interest, or the cost to be unreasonable. . . .
>
> MR. GIBBONS: Madam Chairman, I move to strike the last word. I only take the floor for the purpose of asking the gentleman from Ohio to clarify his amendment. As I understand it, this amendment is a substitute for my amendment. If the gentleman's amendment is adopted, my amendment would be wiped out and his would, in effect, be reaffirmation of the existing buy American law. . . .
>
> THE CHAIRMAN:(20) The Chair would say to the gentleman from Florida that the amendment offered by the gentleman from Ohio is a perfecting amendment to the text of the bill, and it will be voted on first because of its precedence.
>
> MR. [ROBERT A.] ROE [of New Jersey]: Madam Chairman, would the Chair explain the parliamentary situation?
>
> THE CHAIRMAN: The parliamentary situation is this:
>
> The gentleman from Florida (Mr. Gibbons) offered an amendment to strike a paragraph from the bill. The gentleman from Ohio (Mr. Harsha) offered an amendment which is a perfecting amendment to the original bill and which, if it is adopted, would be a part of the original text which the gentleman from Florida proposes to strike.
>
> The question would then occur on the amendment offered by the gentleman from Florida (Mr. Gibbons). If the amendment offered by the gentleman from Florida (Mr. Gibbons) were adopted, then the language which had been included as a perfecting amendment would also be stricken, along with the rest of the paragraph.
>
> The question is on the perfecting amendment offered by the gentleman from Ohio (Mr. Harsha).
>
> The perfecting amendment was agreed to.

---

18. 123 CONG. REC. 5321, 5323, 5325, 95th Cong. 1st Sess.
19. H.R. 11, Local Public Works Capital Development and Investment Act amendments.
20. Barbara Jordan (Tex.).

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Florida (Mr. Gibbons).

The amendment was rejected.

Parliamentarian's Note: An amendment adding a new sentence at the end of a section which is proposed to be stricken is considered a perfecting amendment and is first voted on.

—Motion To Strike Not Proper Substitute for Amendment Changing a Figure

§ 24.9 Perfecting amendments to a paragraph are disposed of prior to amendments to strike out the paragraph, and a motion to strike out is not a proper substitute for a perfecting amendment merely changing a figure.

On June 25, 1974,(1) during consideration of a bill(2) in the Committee of the Whole, the Chair ruled as described above:

MR. [JOHN T.] MYERS [of Indiana]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Myers: On page 14, lines 16 and 17, strike $1,000,000 and substitute $250,000.

MR. MYERS: Mr. Chairman, it seems to be the mood of the committee this afternoon to make cuts. This would simply restore the funds for the Commission on the Review of the National Policy Toward Gambling back to last year's level. . . .

MR. [C. W.] YOUNG of Florida: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Young of Florida for the amendment offered by Mr. Myers:
>
> Page 14, lines 10 through 17, strike lines 10 through 17 and renumber the following lines.

THE CHAIRMAN:(3) The Chair states that this is not a proper substitute for the amendment now pending. Once the pending perfecting amendment has been disposed of, then the gentleman's amendment to strike out the paragraph would be in order.

—Motion To Strike Title of Bill

§ 24.10 In response to a parliamentary inquiry, the Chairman stated that where there was pending a motion to strike a title of a bill, perfecting amendments to that title could be offered and would be voted on prior to voting on the motion to strike.

On June 13, 1975,(4) the Committee of the Whole having under

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1. 120 CONG. REC. 21038, 21039, 93d Cong. 2d Sess.
2. H.R. 15544, Treasury Department, Postal Service and Executive Office appropriations, fiscal 1975.
3. B. F. Sisk (Calif.).
4. 121 CONG. REC. 18819, 94th Cong. 1st Sess.

consideration the bill H.R. 6860,(5) a parliamentary inquiry was addressed to the Chair, as indicated below:

MR. [KEN] HECHLER of West Virginia: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:(6) The gentleman will state it.

MR. HECHLER of West Virginia: Does this amendment strike all of title IV?

MR. [WILLIAM A.] STEIGER of Wisconsin: Yes.

MR. HECHLER of West Virginia: In that event, my parliamentary inquiry is, Mr. Chairman, I have a perfecting amendment to title IV. I would inquire of the Chair whether that perfecting amendment could be considered.

THE CHAIRMAN: The Chair desires to inform the gentleman from West Virginia that his perfecting amendment would be in order pending the vote on the amendment offered by the gentleman from Wisconsin.

—Several Amendments Pending; Vote on Motion To Strike Deferred

§ 24.11 There may be pending a motion to strike out a pending title of a bill, a perfecting amendment (adding a new section at the end of the title), and a substitute for the perfecting amendment. The vote is taken first on the substitute, then on the perfecting amendment, finally on the motion to strike. After the first perfecting amendment has been disposed of, another may be offered and the vote on the motion to strike out is again deferred until the amendment is disposed of.

The proceedings of Oct. 3, 1969, are discussed in § 5.10, supra.

Text Perfected Before Vote on Striking it Out

§ 24.12 A motion proposing to strike out a section is not properly offered as an amendment to a perfecting amendment to that section, but where no point of order is raised, the Chair nevertheless follows the general principle that the pending text should first be perfected before the vote recurs on striking it out. The principle of perfecting text before considering an amendment striking it from the bill is followed even where the motion to strike out is improperly drafted as an amendment to an amendment.

On Mar. 20, 1975,(7) during consideration in the Committee of the Whole of a bill,(8) a parliamentary

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5. Energy Conservation and Conversion Act of 1975.
6. William H. Natcher (Ky.).
7. 121 CONG. REC. 7653, 7658, 7662, 94th Cong. 1st Sess.
8. H.R. 4296, emergency price supports for 1975 crops.

inquiry was addressed to the Chair and the proceedings were as follows:

The Clerk read as follows:

> Amendment offered by Mr. Richmond: Page 3, line 8, strike the figure "85 per centum", and insert in lieu thereof the figure "80 per centum". . . .

Mr. [Paul] Findley [of Illinois]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Findley to the amendment offered by Mr. Richmond: Page 3, line 1, strike out lines 1 through 16. . . .

Mr. [Thomas S.] Foley [of Washington]: Mr. Chairman, a parliamentary inquiry.

Am I correct that the order of consideration of the two amendments presently before the committee is that the first vote will occur on the so-called Richmond amendment as a perfecting amendment to the bill and the second vote will occur on the Findley amendment?

The Chairman:(9) The Chair will advise the gentleman from Washington (Mr. Foley) that he is correct. Under Deschler's Procedure, Chapter 27, Section 22.3 where both a perfecting amendment to a section and a motion to strike out the section are pending, the perfecting amendment is first voted on.

In the case now facing the committee, the perfecting amendment to the section is the amendment offered by the gentleman from New York (Mr. Richmond) and the motion to strike out the section, is the amendment offered by the gentleman from Illinois (Mr. Findley).

Therefore, under the procedure, the perfecting amendment of the gentleman from New York (Mr. Richmond) will be the first amendment on which the committee will vote.

Mr. Findley: Mr. Chairman, a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Findley: In offering the amendment, the Clerk read the amendment as an amendment to the amendment offered by the gentleman from New York (Mr. Richmond). Would that not on the face of it qualify it as an amendment to the amendment?

The Chairman: The gentleman is correct in stating the manner in which his amendment was proposed and as the Clerk read it; but since no point of order was raised against the amendment, the procedure which the Chair just read nonetheless applies.

Parliamentarian's Note: Technically, the motion to strike out the designated lines should not have been offered while a perfecting amendment to those lines was pending, but when it was offered without objection, the Chair properly stated the order of voting as indicated above.

Motions Pending To Strike Entire Title and Lesser Portion of Title

§ 24.13 Where there is pending a motion to strike an entire title of a bill, it is in order to offer,

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9. John Brademas (Ind.).

as a perfecting amendment to that title, a motion to strike out a lesser portion of the title, and that perfecting amendment is voted on first.

On June 11, 1975,(10) the Committee of the Whole having under consideration the bill H.R. 6860,(11) a motion to strike a portion of the bill was offered and proceedings were as follows:

Mr. [Bill] Alexander [of Arkansas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Alexander: Strike out title II (relating to energy conservation taxes), beginning on line 1 of page 29, and ending on line 24 of page 57. . . .

Mr. [Fortney H.] Stark [of California]: Mr. Chairman, I offer several amendments, and ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

> Amendments offered by Mr. Stark: Page 30, strike out line 1 and all that follows down through line 5 on page 31.
>
> Page 32, strike out line 20 and all that follows down through line 25. . . .

Mr. [Al] Ullman [of Oregon]: Mr. Chairman, the gentleman from California has offered an amendment which would strike part B. The gentleman from Arkansas has offered an amendment which would strike the whole title. I would assume, after part B is perfected, as the gentleman's amendment to strike part B asks, it would come before the amendment to strike the whole title. Am I correct?

The Chairman:(12) The Chair would like to advise the chairman of the committee that the amendment offered by the gentleman from California (Mr. Stark) is a perfecting amendment and will be voted on first.

Disposition of Perfecting Amendment as Affecting Vote on Motion To Strike

§ 24.14 In response to a parliamentary inquiry, the Chair indicated that either adoption or rejection of a perfecting amendment to a section would not preclude a vote on a pending motion to strike out the section (where the perfecting amendment did not change all the language in the section).

On Mar. 20, 1975,(13) the Committee of the Whole having under consideration the bill H.R. 4296, emergency price supports for 1975 crops, the Chair responded to a parliamentary inquiry as indicated below:

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10. 121 Cong. Rec. 18435, 18437, 94th Cong. 1st Sess.
11. Energy Conservation and Conversion Act of 1975.
12. William H. Natcher (Ky.)
13. 121 Cong. Rec. 7653, 7658, 7663, 94th Cong. 1st Sess. For discussion of effects of consideration or adoption of amendments generally, see §§ 29 et seq., infra.

Mr. [Frederick W.] Richmond [of New York]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Richmond: Page 3, line 8, strike the figure "85 per centum", and insert in lieu thereof the figure "80 per centum". . . .

Mr. [Paul] Findley [of Illinois]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Findley to the amendment offered by Mr. Richmond: Page 8, line 1, strike out lines 1 through 16. . . .

Mr. Findley: Mr. Chairman, a parliamentary inquiry.

The Chairman:(14) The gentleman will state it.

Mr. Findley: The response of the Chair made to the parliamentary inquiry of the chairman of the House Committee on Agriculture indicated that because my amendment to the amendment had the effect of striking the section, it would, therefore, come second after the disposition of the gentleman from New York (Mr. Richmond).

The Chairman: The gentleman is correct.

Mr. Findley: May I further ask, suppose the amendment of the gentleman from New York (Mr. Richmond) is defeated, what standing, if any, would my amendment to the amendment then have?

The Chairman: The amendment of the gentleman from Illinois will be voted on in either event.

Mr. Findley: I thank the Chairman.

Parliamentarian's Note: Technically, the motion to strike out the designated lines should not have been offered while a perfecting amendment to those lines was pending, but when it was offered without objection, the Chair properly stated the order of voting as indicated above.

§ 24.15 A perfecting amendment may be offered while a motion to strike out is pending, and if the perfecting amendment changes all the words proposed to be stricken out, the motion to strike necessarily falls and is not voted on.

On Apr. 9, 1979,(15) the Committee of the Whole having under consideration H.R. 3324,(16) the above-stated proposition was illustrated as indicated below:

Mr. [Thomas B.] Evans [Jr.] of Delaware: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Evans of Delaware: Page 22, strike out all of lines 13 through 20 and renumber each succeeding paragraph accordingly. . . .

Mr. [Clement J.] Zablocki [of Wisconsin]: Mr. Chairman, I offer a perfecting amendment.

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14. John Brademas (Ind.).

15. 125 Cong. Rec. 7753, 7755, 96th Cong. 1st Sess.

16. The International Development Cooperation Act of 1979.

The Clerk read as follows:

> Perfecting amendment offered by Mr. Zablocki: Page 22, strike out lines 13 through 20 and insert:
>
> "(2) It is the sense of Congress that funds made available under this chapter for countries in the Middle East are designed to promote progress toward a comprehensive peace settlement in the Middle East and that Syria and Jordan, to continue to receive funds under this chapter, should act in good faith to achieve further progress toward a comprehensive peace settlement and that the expenditure of the funds will serve the process of peace in the Middle East. . . .

The Chairman:(17) The question is on the perfecting amendment offered by the gentleman from Wisconsin (Mr. Zablocki).

The perfecting amendment was agreed to.

The Chairman: The amendment offered by the gentleman from Delaware (Mr. Evans) will not be voted upon, because it is in the nature of a motion to strike.

Perfecting Amendments to Bill While Amendment in Nature of Substitute Pending

§ 24.16 Pending an amendment in the nature of a substitute for an entire bill, perfecting amendments to the pending portion of the bill may still be offered.

On July 28, 1983,(18) during consideration of a bill(19) to amend the Intelligence Authorization Act for fiscal year 1983, pursuant to a special rule(20) permitting the majority and minority leaders to offer amendments not printed in the Record but requiring all other Members to offer amendments to the bill which have been printed in the Record, the majority leader was permitted to offer an amendment in the nature of a substitute not printed in the Record, but another Member was permitted to offer a perfecting amendment printed in the Record to the bill while the substitute was pending. (Pursuant to a unanimous-consent agreement,(21) the bill was open to amendment at any point.) The proceedings were as follows:

Mr. [James C.] Wright [Jr., of Texas]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Wright: Strike out all after the enacting clause and insert in lieu thereof the following:
>
> That the Intelligence Authorization Act for Fiscal Year 1983 is amended by adding at the end thereof the following new title: . . .

Mr. [Henry J.] Hyde [of Illinois]: I have an amendment that was printed

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17. Elliott H. Levitas (Ga.).
18. 129 Cong. Rec. 21468, 21469, 98th Cong. 1st Sess.
19. H.R. 2760.
20. H. Res. 261.
21. 129 Cong. Rec. 21196, 98th Cong. 1st Sess., July 27, 1983.

in the Record. Will I be given an opportunity to offer it?

THE CHAIRMAN:(1) The Chair will advise the gentleman that a printed perfecting amendment to the bill can be offered before the vote on the Wright amendment in the nature of a substitute.

Parliamentarian's Note: In cases such as that above, the perfecting amendment to the pending portion of the bill is voted on first.

§ 25. Substitute Amendments; Amendments in Nature of Substitute

An amendment in the nature of a substitute is basically, in form, a motion to strike out and insert. But the term "amendment in the nature of a substitute" applies only to those motions which propose to strike out an entire pending bill, or, less precisely, to motions proposing to strike out an entire pending portion (section or title) of text and to insert new matter and is not used to describe those motions to strike out and insert which may be properly characterized as "perfecting amendments" and which go only to a portion of the pending text.

An amendment in the nature of a substitute for a bill may be proposed before perfecting amendments to the pending portion of the original text have been offered, but may not be voted on until after such perfecting amendments have been disposed of.(2)

Amendments to a committee amendment in the nature of a substitute are voted on before a substitute amendment, and the effect of the adoption of a substitute amendment striking out all after the title of the committee amendment is to eliminate the language inserted by the committee amendment as well as the language of the amendments thereto.(3)

Where a substitute—striking out all of the text and inserting new matter—for an amendment in the nature of a substitute is adopted, the vote recurs immediately on the amendment, as amended, and no further amendments to either proposition are in

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1. William H. Natcher (Ky.).

2. See 107 CONG. REC. 8825-27, 87th Cong. 1st Sess., May 24, 1961, where a Member was recognized to offer an amendment in the nature of a substitute for a bill, and after it was read another Member was recognized to offer a perfecting amendment to the original text. The perfecting amendment was considered and voted on before the amendment in the nature of a substitute.

3. See § 25.3, infra.

order since the original amendment has been changed in its entirety by the substitute.(4)

Rejection of Substitute

§ 25.1 If a substitute amendment is adopted, the question recurs on the amendment as amended by the substitute; but if the substitute is rejected, the amendment is open to further amendment.

On Dec. 3, 1941,(5) the following proceedings took place:

> MR. [JOHN J.] COCHRAN [of Missouri]: I desire to know if the first vote is on the Smith substitute as amended, to the Ramspeck amendment to the Vinson bill?
>
> THE CHAIRMAN:(6) The gentleman is correct.
>
> MR. COCHRAN: Now I want to know if the Smith substitute is adopted, if the vote then comes on the Ramspeck amendment as amended by the Smith substitute?
>
> THE CHAIRMAN: The gentleman is correct again. . . .
>
> MR. COCHRAN: I would like to make one further parliamentary inquiry. If the Smith substitute is voted down, we then remain in Committee of the Whole and consider the Ramspeck bill, open to amendment under the 5-minute rule?
>
> THE CHAIRMAN: The gentleman from Missouri is correct throughout.

Adoption of Substitute for Amendment in Nature of Substitute

§ 25.2 Where an amendment in the nature of a substitute to a bill is amended in Committee of the Whole by the adoption of a substitute therefor, the question recurs on the amendment in the nature of a substitute, as amended.

On Dec. 16, 1970,(7) the following proceedings took place:

> THE CHAIRMAN:(8) The question is on the substitute amendment offered by the gentleman from Virginia (Mr. Abbitt), as amended for the amendment in the nature of a substitute, of-

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4. See, for example, 116 CONG. REC. 20206, 91st Cong. 2d Sess., June 17, 1970 (response of Chairman Charles M. Price [Ill.] to parliamentary inquiry by Mr. James G. Fulton [Pa.]).
5. 87 CONG. REC. 9395, 77th Cong. 1st Sess. Under consideration was H.R. 4139, to further expedite national defense programs with respect to naval construction, etc., by providing for the investigation and mediation of labor disputes in connection therewith. For discussion of the effect of rejection of amendments generally, see §§ 35 and 38, infra.
6. William P. Cole, Jr. (Md.).
7. 116 CONG. REC. 42032, 91st Cong. 2d Sess. Under consideration was H.R. 18582. For discussion of the effect of adoption of substitute amendments generally, see § 32, infra.
8. Spark M. Matsunaga (Hawaii).

fered by the gentleman from Washington (Mr. Foley). . . .

So the substitute for the amendment in the nature of a substitute was agreed to.

The Chairman: The question now occurs on the amendment in the nature of a substitute offered by the gentleman from Washington (Mr. Foley), as amended by the substitute amendment offered by the gentleman from Virginia (Mr. Abbitt). . . .

Mr. [Durward G.] Hall [of Missouri]: The amendment was a substitute amendment for the Foley committee amendment, and therefore the question does not arise, does it?

The Chairman: The question is on the amendment in the nature of a substitute offered by the gentleman from Washington (Mr. Foley), as amended by the substitute amendment offered by the gentleman from Virginia (Mr. Abbitt).

§ 25.3 Amendments to an amendment in the nature of a substitute are voted on before a substitute amendment, and the effect of the adoption of a substitute amendment (here an amendment striking out all after the title of the amendment in the nature of a substitute) is to eliminate the language inserted by the amendments to the amendment in the nature of a substitute.

On May 26, 1960,(9) while a committee amendment in the nature of a substitute was pending, the following proceedings took place:

The Clerk read as follows:

> Amendment offered by Mr. [Carl A.] Elliott of Alabama: Page 13, strike out lines 5 through 12, and insert the following: . . .

So the amendment was agreed to. . . .(10)

> Amendment offered by Mr. [Adam C.] Powell [Jr., of New York]: Page 18, line 4, after section 6(a) insert: . . .

So the amendment was agreed to. . . .(11)

> Amendment offered by Mr. [Frank T.] Bow of Ohio: On page 11, line 20, after "Sec. 1." strike out all after section 1 and insert in lieu thereof the following: . . .

So the amendment was agreed to. . . .

The committee amendment as amended was agreed to.(12)

Since the rule permitted separate votes in the House on amendments to the committee amendment in the nature of a substitute, separate votes were demanded on the three amendments. An inquiry was then directed to the Chair:(13)

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(9) 106 Cong. Rec. 11282, 11292, 11296–98, 11301, 11302, 86th Cong. 2d Sess. Under consideration was H.R. 10128.

(10) 106 Cong. Rec. 11282, 11292, 86th Cong. 2d Sess.

(11) *Id.* at pp. 11296, 11297.

(12) *Id.* at pp. 11298, 11301.

Mr. [Graham A.] Barden [of North Carolina]: Mr. Speaker, what effect will the Bow amendment have on the other amendments that will be voted on?

The Speaker:(14) If the Bow amendment is agreed to it will strike out the other two amendments.

Mr. Barden: It strikes out the Elliott amendment and the Powell amendment?

The Speaker: That is correct.

§ 25.4 Where a substitute for an amendment in the nature of a substitute has been agreed to, the question recurs immediately upon the amendment as amended by the substitute, and further perfecting amendments to the amendment are not then in order.

On Feb. 5, 1976,(15) the Committee of the Whole having under consideration H.R. 9464,(16) the Chair responded to a parliamentary inquiry as described above. The proceedings were as follows:

The Chairman:(17) The question is on the amendment, as amended, offered as a substitute by the gentleman from Iowa (Mr. Smith) for the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Krueger). . . .

So the substitute amendment, as amended, for the amendment in the nature of a substitute to the committee amendment in the nature of a substitute, was agreed to. . . .

The Chairman: The question is on the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Krueger) as amended to the committee amendment in the nature of a substitute.

Mr. [Robert E.] Bauman [of Maryland]: Mr. Chairman, a parliamentary inquiry. . . .

. . . [I]t is my understanding that at this stage, since the Smith substitute amendment has been agreed to narrowly, that there are no further amendments to the Krueger amendment in the nature of a substitute since it was a complete substitute, is that correct?

The Chairman: That is correct.

Amendments to Original Text While Amendment in Nature of Substitute Is Pending

§ 25.5 An amendment in the nature of a substitute is not voted on until the pending portion of original text is perfected.

On June 21, 1962,(18) during consideration of the Food and

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13. *Id.* at p. 11302.
14. Sam Rayburn (Tex.).
15. 122 Cong. Rec. 2648, 2649, 94th Cong. 2d Sess.
16. Natural Gas Emergency Act of 1976.
17. Richard Bolling (Mo.).
18. 108 Cong. Rec. 11324–26, 87th Cong. 2d Sess.

Agricultural Bill of 1962 (H.R. 11222), Mr. Charles B. Hoeven, of Iowa, offered an amendment in the nature of a substitute:

Amendment offered by Mr. Hoeven: Page 15, line 16, strike out lines 16 through 23, all of page 17 through 87 and lines 1 through 3 on page 88 and insert in lieu thereof the following:

"SUBTITLE A—FEED GRAINS

"Sec. 401. Paragraphs (3) and (4) of section 105(c) of the Agricultural Act of 1949 are amended by inserting after the words '1962' wherever they appear the words 'or 1963'.

"Sec. 402. Section 105(c) of the Agricultural Act of 1949 as amended by adding new subsections (5)(a) and (5)(b) as follows:

" '(5)(a) The Secretary is authorized and directed to make payment-in-kind to producers eligible for price support on the 1963 crop of corn, grain sorghums, and barley who elect to take such payments in lieu of price support. . . .

"Sec. 321. This subtitle may be cited as the 'Wheat and Feed Grain Disposal Act of 1962.'

"Sec. 422. Notwithstanding any other provision of law, the Secretary shall formulate and carry out a surplus wheat and feed grain disposal program for each crop year beginning with the 1963 crop year for each of the following commodities: Wheat, corn, rye, barley, oats, and grain sorghums. Each such program shall afford producers, who agree not to plant that particular commodity, an opportunity to purchase from the Commodity Credit Corporation, at an attractive price, notwithstanding the provisions of section 407 of the Agricultural Act of 1949, as amended, the quantity of such commodity determined under section 404. . . .

Mr. Hoeven explained the effect of the amendment in part as follows:

Mr. Hoeven: . . . Mr. Chairman, this substitute would strike title IV from the bill and substitute a voluntary feed grain program for 1 year, and the extension of the present wheat program for another year, with certain additions.

Here are the main provisions of the substitute: No. 1, it extends the present voluntary feed grain program for 1 more year, but makes these important changes: It prohibits the "dumping" of surplus feed grains back onto the domestic market, at less than 5 percent above the current support price, plus reasonable carrying charges. . . .

Another provision of the substitute would make payments-in-kind to participating feed grain farmers in lieu of price supports, thus preventing wholesale shuffling of the Commodity Credit Corporation inventory. . . .

Another important part of the substitute authorizes the Secretary to extend expiring conservation reserve contracts for periods of from 3 to 10 years beyond the scheduled termination dates, thus preventing millions of acres which are now retired from coming back into production.

Mr. [William R.] Poage [of Texas]: Mr. Chairman, this amendment, as I understand it, is in the nature of a substitute for the entire section. Is it not correct that since it is a substitute the amendment will go over until we have perfected the titles, and that the gentleman's proposed substitute will then be subject to perfection itself and be voted upon, after completing the work on the titles of the bill?

THE CHAIRMAN:(19) The Chair will state that the gentleman is correct. If there are any perfecting amendments to this section, they will be disposed of before the amendment in the nature of the substitute is disposed of.

§ 25.6 Where there is pending an amendment in the nature of a substitute, perfecting amendments to the pending portion of underlying text, and amendments thereto, may be offered and are voted on prior to the vote on the amendment in the nature of a substitute and amendments thereto.

On Apr. 13, 1983,(20) the Committee of the Whole having under consideration House Joint Resolution 13,(1) the above-stated proposition was illustrated as indicated below:

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I have a perfecting amendment at the desk to section 2 of House Joint Resolution 13.

THE CHAIRMAN:(2) The Chair will advise that perfecting amendments to the underlying text are in order at this time while the Levitas amendment in the nature of a substitute is pending. But the Chair will also point out that if any Member is recognized to offer a perfecting amendment at this time, debate will not be limited on the perfecting amendment and the vote will first come on the perfecting amendment and on any potential amendments thereto before the question is put on the Levitas substitute.

—Amendments Offered Under Terms of Special Rule

§ 25.7 During consideration of a bill pursuant to a special rule permitting the majority and minority leaders to offer amendments not printed in the Record but requiring all other Members to offer amendments to the bill which have been printed in the Record, the majority leader was permitted to offer an amendment in the nature of a substitute not printed in the Record, but while the substitute was pending another Member was permitted to offer to the bill a perfecting amendment printed in the Record.

During the proceedings of July 28, 1983,(3) in the Committee of the Whole, it was demonstrated that, pending an amendment in the nature of a substitute for an entire bill, perfecting amendments to the pending portion of the bill could still be offered.

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(19) Francis E. Walter (Pa.).

(20) 129 CONG. REC. 8402–04, 98th Cong. 1st Sess.

(1) Nuclear Weapons Freeze.

(2) Matthew F. McHugh (N.Y.).

(3) 129 CONG. REC. 21468, 21469, 98th Cong. 1st Sess.

Mr. [James C.] Wright [Jr., of Texas]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Wright: Strike out all after the enacting clause and insert in lieu thereof the following:
>
> That the Intelligence Authorization Act for Fiscal Year 1983 is amended by adding at the end thereof the following new title. . . .

Mr. [Henry J.] Hyde [of Illinois]: I have an amendment that was printed in the Record. Will I be given an opportunity to offer it?

The Chairman:(4) The Chair will advise the gentleman that a printed perfecting amendment to the bill can be offered before the vote on the Wright amendment in the nature of a substitute.

Amendments to Amendment in Nature of Substitute, and to Substitute, Under Limitation on Debate

§ 25.8 Where there was pending an amendment in the nature of a substitute, a substitute therefor and an amendment to the substitute, and debate had been limited on the substitute and all amendments thereto but not on the original amendment or amendments thereto, the Chair indicated that (1) further amendments to the substitute or modifications of the substitute by unanimous consent must await disposition of the pending amendment to the substitute; (2) amendments to the original amendment could be offered and debated under the five-minute rule and would be voted on before amendments to the substitute; (3) amendments to the substitute could be offered and voted upon without debate unless printed in the Record pursuant to Rule XXIII clause 6; and (4) the question would not be put on the substitute until all perfecting amendments to it and to the original amendment were disposed of.

On Feb. 5, 1976,(5) during consideration of H.R. 9464, the Natural Gas Emergency Act of 1976, there was pending an amendment in the nature of a substitute (the Krueger amendment); a substitute therefor (the Smith amendment); and an amendment to the substitute (the Eckhardt amendment). A unanimous-consent request was made to limit debate:

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4. William H. Natcher (Ky.).

5. 122 Cong. Rec. 2646–48, 94th Cong. 2d Sess.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I ask unanimous consent that all debate on the Smith amendment and all amendments thereto terminate immediately upon the conclusion of consideration of the amendment offered by the gentleman from Texas (Mr. Eckhardt). . . .

There was no objection. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, as I understood it, the unanimous-consent request of the gentleman from Michigan (Mr. Dingell) was that all debate on the Smith substitute amendment cease after the disposition of the Eckhardt amendment. The Eckhardt amendment would be the pending business then, and immediately after the determination of the Eckhardt amendment, we would vote on the Smith amendment. Is that not correct? . . .

THE CHAIRMAN:(6) Not necessarily, because there could be an amendment to the Krueger amendment, which would be debatable. . . .

. . . Before we vote on the Smith substitute, amendments to the Krueger amendment are debatable if offered. . . .

The point that the Chair is trying to make, regardless of what agreements are reached, is that until the Krueger amendment is finally perfected to the satisfaction of the Committee, the Chair cannot put the question on the Smith substitute.

MR. BROWN of Ohio: The Chair cannot put the question on the Smith amendment?

THE CHAIRMAN: The Chair cannot put the question on the Smith substitute until the Krueger amendment is perfected to the satisfaction of the Committee.

There has been no limitation of debate on the Krueger amendment or amendments thereto. The basic parliamentary situation is that we have a substitute amendment for the amendment in the nature of a substitute, the Krueger amendment. Both of those are subject to amendment, but both must be perfected before the Chair can put the question on the substitute for the amendment in the nature of a substitute.

MR. BROWN of Ohio: With respect to the unanimous-consent request of the gentleman from Michigan (Mr. Dingell), the Eckhardt amendment is still to be voted upon, and then there are to be no other amendments to the Smith amendment?

THE CHAIRMAN: There is to be no further debate on such amendments. . . .

MR. BROWN of Ohio: Mr. Chairman, if my time still applies, I would like to ask the Chair to state the circumstances. If I may, before the Chair does that, I would like to ask the question this way: As the situation stands at this moment, the Krueger amendment is still perfectable by amendments under the normal course of time, and there is no limitation on the Krueger amendment.

The Smith amendment, however, can be perfected only by the vote on the Eckhardt amendment, and then if there are other amendments to the Smith amendment there is no debate time remaining on those amendments.

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6. Richard Bolling (Mo.).

Is that correct?

The Chairman: Unless they are printed in the Record.

Mr. Brown of Ohio: And if they are printed in the Record, the debate time is 5 minutes per side pro and con. Is that correct?

The Chairman: That is correct. . . .

Mr. Dingell: Mr. Chairman, it is, however, a fact that the gentleman may have an amendment at the desk and it may be voted on without debate under the unanimous-consent request?

The Chairman: That is correct.

Mr. [Robert] Krueger [of Texas]: Mr. Chairman, I have a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Krueger: Mr. Chairman, there are still those of us who are not certain of the parliamentary situation. I am among them.

Mr. Chairman, my question is this: We will vote first on the Eckhardt amendment to the Smith substitute?

The Chairman: That is right.

Mr. Krueger: Following that, there will then be a vote without further debate on the Smith substitute, or no?

The Chairman: The Chair cannot say, because if there were amendments printed in the Record, there can be both an amendment offered and debate on the amendment. If there were no amendments that were qualified for debate by being printed in the Record, they could not be offered and voted on without debate.

But if they are offered to the Krueger amendment in the nature of a substitute, they would both be considered and would be debatable under the 5-minute rule. . . .

The 5-minute rule applies only to amendments to the Smith amendment which has been printed in the Record. Other amendments to the Smith amendment do not have debate time; they are just voted on. . . .

Mr. [Benjamin A.] Gilman [of New York]: Mr. Chairman, I offer an amendment to the Krueger amendment in the nature of a substitute. My amendment has been printed in the Record.

The Clerk read as follows:

> Amendment offered by Mr. Gilman to the amendment in the nature of a substitute offered by Mr. Krueger immediately after section 26 of the Natural Gas Act (as added by section 208) insert the following:
>
> "TREATMENT OF RATES AND CHARGES FOR NATURAL GAS SOLD TO SENIOR CITIZENS
>
> "Sec. 27. (a) The Commission shall prohibit any natural-gas company from selling or otherwise supplying natural gas to any local natural gas company which increases the rates for natural gas sold to senior citizens. . . .

Mr. [Joe D.] Waggonner [Jr., of Louisiana] (during the reading): Mr. Chairman, I have a point of order.

The point of order lies to the fact that the amendment now being read is to the Krueger amendment in the nature of a substitute and is not in order until there has been a disposition of the Eckhardt amendment to the Smith substitute.

The Chairman: The Chair has stated that any amendment to the Krueger amendment in the nature of a substitute may now be offered and is debatable.

MR. WAGGONNER: But, Mr. Chairman, the amendment is not in order until there has been a disposition of the Eckhardt amendment to the Smith substitute which is now under consideration.

THE CHAIRMAN: This amendment takes precedence. This amendment takes precedence over the amendment to the substitute amendment. That is what the Chair has been trying to say now, repeatedly. The amendment that has precedence is an amendment to the amendment in the nature of a substitute, and this is the amendment that is now before the committee. . . .

The question is on the amendment offered by the gentleman from Texas (Mr. Eckhardt) to the amendment offered by the gentleman from Iowa (Mr. Smith) as a substitute for the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Krueger).

The question was taken; and on a division (demanded by Mr. Eckhardt) there were—ayes 33, noes 35.

So the amendment to the substitute amendment for the amendment in the nature of a substitute was rejected.

If Amendment in Nature of Substitute Is Defeated in House

§ 25.9 When an amendment in the nature of a substitute is reported to the House from the Committee of the Whole, the previous question having been ordered on the bill and amendments to final passage, the question is first on agreeing to that amendment. And if it is defeated, the question would recur on the engrossment of the original bill, and further amendment thereof is not in order.

On Aug. 13, 1959,(7) the following proceedings took place:

THE SPEAKER:(8) Under the rule the previous question is ordered.

The question is on agreeing to the amendment. . . .

MR. [FRANK] THOMPSON [Jr.] of New Jersey: Is it my understanding that the vote about to be taken is on whether or not the substitute will be accepted, and that it is not a vote on final passage?

THE SPEAKER: It will be a vote on the amendment adopted in the Committee of the Whole. . . .

MR. [JAMES] ROOSEVELT [of California]: If the amendment is defeated, what is then the parliamentary situation?

THE SPEAKER: Then the question is on the engrossment and third reading of the so-called committee bill.

Separate Votes on Amendments in House

§ 25.10 The rule that an amendment in the nature of a substitute is always perfected before a vote is taken on a substitute amendment is followed in the House when operating under a special rule permitting separate

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7. 105 CONG. REC. 15859, 15867, 86th Cong. 1st Sess. Under consideration was H.R. 8342.

8. Sam Rayburn (Tex.).

votes on amendments adopted in the Committee of the Whole.

In the 86th Congress,(9) during consideration of a bill(10) to authorize federal financial assistance to school construction, the Committee of the Whole had adopted, in the following order: (1) an amendment to section 4 of a committee amendment in the nature of a substitute,(11) (2) then an amendment to section 6,(12) (3) an amendment, in effect a substitute, striking out all after section 1 of the committee amendment [thus deleting all after the title],(13) and finally (4) had agreed to the committee amendment in the nature of a substitute, as amended;(14) these amendments were then voted on in the House, under a special rule permitting separate votes on any amendments adopted in the Committee of the Whole to either the bill or the committee amendment, in the order in which they had been adopted.(15)

Substitute Not Subject to Division of Question

§ 25.11 A substitute for an amendment is not subject to a division of the question.

An example of the proposition stated above occurred on July 2, 1980,(16) during consideration of H.R. 7235, the Rail Act of 1980. The proceedings in the Committee of the Whole were as follows:

MR. [JAMES J.] FLORIO [of New Jersey]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Florio: Page 103, line 14, insert "or (c)" immediately after "subsection (b)".
>
> Page 104, line 20, strike out the closing quotation marks and the following period.
>
> Page 104, after line 20, insert the following new subsection. . . .

MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Madigan as a substitute for the amendment offered by Mr. Florio:
>
> Page 103, line 14 insert "or (c)" immediately after "subsection (b)".
>
> Page 104, line 20, strike out the closing quotation marks and the following period.
>
> Page 104, after line 20, insert the following new subsection. . . .

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9. See the proceedings at 106 CONG. REC. 11282, 11292, 11296–98, 11301–03, 86th Cong. 2d Sess., May 26, 1960.
10. H.R. 10128.
11. 106 CONG. REC. 11282, 11292, 86th Cong. 2d Sess.
12. *Id.* at pp. 11296, 11297.
13. *Id.* at pp. 11298, 11301.
14. *Id.* at p. 11302.
15. *Id.* at pp. 11302, 11303.
16. 126 CONG. REC. 18288, 18290–92, 96th Cong. 2d Sess.

Mr. Madigan: Mr. Chairman, this amendment includes a number of provisions designed to resolve problems which had been expressed by agricultural groups since the bill was reported from committee. . . .

Mr. [Robert C.] Eckhardt [of Texas]: Mr. Chairman, I was not aware at the time that this amendment was offered that it would purport to deal with a number of very different subjects. I assume that it would not be in order to raise a point of order concerning germaneness at this late time, not having reserved it, but I would like to ask if the question may be divided. There are several subjects that are quite divisible in the amendment offered here, and that deal with different matters.

The Chairman:(17) The Chair will advise the gentleman from Texas that he is correct, it is too late to raise a point of order on the question of germaneness.

The Chair will further advise the gentleman from Texas that a substitute is not divisible.

§ 26. Committee Amendments

Amendment to First Section Voted On Before Amendment in Nature of Substitute

§ 26.1 A committee amendment to the first paragraph or section of a bill is voted on before a vote is taken on an amendment in the nature of a substitute to strike out all after the enacting clause and insert new matter.

On Feb. 9, 1940,(18) the following exchange took place:

Mr. [Jack] Nichols [of Oklahoma]: May an amendment which proposes to strike out all after the enacting clause and insert other matter be offered at any time during the process of the reading of the bill, or must it be offered at some particular point in the bill? . . .

The Chairman:(19) It can be done after the reading of the first section, as soon as the committee amendment is disposed of.

Amendment Adding Section

§ 26.2 While committee amendments to a pending section are normally considered prior to amendments offered from the floor, a floor amendment to the text of a pending section is considered before a committee amendment adding a new section at the end of the pending section.

On Oct. 4, 1972,(20) the following proceedings took place:

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17. Les AuCoin (Oreg.).

18. 86 Cong. Rec. 1330, 76th Cong. 3d Sess. Under consideration was H.R. 960, extending the Classified Executive Civil Service.

19. Charles F. McLaughlin (Nebr.).

20. 118 Cong. Rec. 33779, 92d Cong. 2d Sess. Under consideration was S. 1316.

Mr. [John H.] Kyl [of Iowa]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Kyl: Page 1, line 6, at the end thereof insert the following: . . .

Mr. [Wiley] Mayne [of Iowa]: Mr. Chairman, I believe there are several committee amendments. Would they not be in order first and then the amendment of the gentleman from Iowa be out of order unless deferred until after the committee amendment has been disposed of?

The Chairman:[1] The amendment offered by the gentleman from Iowa is to section 1 and it is thus in order at this point. . . .

So the amendment was agreed to....

The Chairman: The Clerk will report the first committee amendment.

The Clerk read as follows:

> Committee amendment: Page 1, line 6, insert the following new section: . . .

Bill Open to Amendment at Any Point

§ 26.3 Where a bill was open to amendment at any point and there was pending a perfecting committee amendment, the Chairman indicated that further amendments to the bill would be in order following disposition of the committee amendment.

On May 30, 1973,[2] the following proceedings took place:

Mr. [M. G.] Snyder [of Kentucky]: Mr. Chairman, I offer an . . . amendment.

The Chairman:[3] The committee amendment is pending. Is this an amendment to the committee amendment?

Mr. Snyder: It is to the bill.

The Chairman: There is an amendment pending.

Mr. Snyder: Mr. Chairman, a parliamentary inquiry. If the committee amendment is adopted, is the parliamentary situation the same as awhile ago, that I would be precluded from offering this amendment?

The Chairman: After the committee amendment has been considered and disposed of, other amendments will be in order.

§ 26.4 Where, under a special rule, a bill is considered as having been read for amendment, committee amendments to the bill must be read in full or their reading dispensed with by unanimous consent.

On Feb. 9, 1976,[4] during consideration of H.R. 5808,[5] in the

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See also 110 Cong. Rec. 3215, 88th Cong. 2d Sess., Feb. 20, 1964, where an amendment offered from the floor was considered before a committee amendment reported in the bill.

[1] Stuart Symington (Mo.).

[2] 119 Cong. Rec. 17338, 93d Cong. 1st Sess. Under consideration was H.R. 5858.

[3] Frank E. Evans (Colo.).

[4] 122 Cong. Rec. 2872, 2875, 94th Cong. 2d Sess.

[5] Animal Welfare Act Amendments of 1976.

Committee of the Whole, the Chair stated that, pursuant to the rule, the bill was open to amendment. The proceedings occurred as indicated below:

The Chairman:[6] . . . Under the rule, the bill is considered as having been read and open to amendment at any point under the 5-minute rule. . . .

Mr. [Charles E.] Wiggins [of California]: Mr. Chairman, under the rule, is the first committee amendment considered to have been read?

The Chairman: There have been no requests for considering the amendment as having been read, the Chair will advise the gentleman from California, but the Chair will entertain such a request. . . .

Mr. [Thomas S.] Foley [of Washington]: Mr. Chairman, it is my understanding that the rule itself provides that the bill shall be considered as read and open to amendment at any point.

The Chairman: Yes, that is the bill, the Chair will advise the gentleman from Washington, not the amendment.

Mr. Foley (during the reading): Mr. Chairman, I ask unanimous consent that the first committee amendment may be considered as read and printed in the Record.

The Chairman: Is there objection to the request of the gentleman from Washington?

There was no objection.

§ 26.5 Where a bill is considered as having been read for amendment, it is open to amendment at any point and all committee perfecting amendments must be disposed of, regardless of their place in the bill, prior to offering of amendments to the bill from the floor.

On Feb. 9, 1976,[7] H.R. 5808[8] having been read and opened to amendment in the Committee of the Whole, the proceedings, described above, were as follows:

The Chairman:[9] . . . Under the rule, the bill is considered as having been read and open to amendment at any point under the 5-minute rule. . . .

The Clerk will report the next committee amendment.

The Clerk read as follows:

> Committee amendment: Page 19, line 24, insert "knowingly" immediately before "sell".

The committee amendment was agreed to.

Mr. [Charles E.] Wiggins [of California]: Mr. Chairman, I now offer an amendment.

The Chairman: The gentleman from California (Mr. Wiggins) will be advised that his amendment would not be in order at this time under the rule. There are 2 additional committee amendments to be considered. . . .

The Chair will advise the gentleman from California (Mr. Wiggins) further that his amendment will be in order after the consideration of the committee amendments. . . .

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[6] Richard H. Ichord (Mo.).

[7] 122 Cong. Rec. 2872, 2876, 94th Cong. 2d Sess.

[8] Animal Welfare Act Amendments of 1976.

[9] Richard H. Ichord (Mo.).

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I have a parliamentary inquiry.

Mr. Chairman, I have an amendment I wish to offer that comes before that committee amendment on the same page. Would that amendment be in order, or is it not in order until after this time?

THE CHAIRMAN: The Chair will advise the gentleman from Maryland (Mr. Bauman) that his amendment would not be in order at this time unless it is an amendment to this committee amendment.

Amendments Considered En Bloc

§ 26.6 In accordance with the procedure for considering committee amendments to a bill under the five-minute rule in Committee of the Whole, pursuant to a special order providing that said committee amendments be considered en bloc and be considered as having been read, the Chairman instructs the Clerk to designate the page and line number of the amendments.

On Aug. 2, 1977,(10) during consideration of H.R. 8444, the National Energy Act, the proceedings described above were as indicated:

THE CHAIRMAN:(11) The Clerk will designate the page and line number of the ad hoc committee amendments, the first group of the amendments recommended by the ad hoc committee to be considered en bloc.

The Clerk read as follows:

> Page 183, line 11 through page 184, line 19 . . . and on page 208, line 4 through page 209, line 2, and an amendment inserting on page 188, line 11, the word "domestic" before the word "crude".

§ 26.7 Unanimous consent is required to consider en bloc separate committee amendments printed in a bill, even where a special order adopted by the House provides that the bill is considered as having been read for amendment and that said committee amendments are considered before other committee or individual amendments.

On Aug. 10, 1978,(12) the Committee of the Whole was considering H.R. 13511, the Revenue Act of 1978, pursuant to House Resolution 1306,(13) a "modified closed" rule which provided that the bill be considered as read, allowed only designated amendments (including committee amendments), and prescribed the

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10. 123 CONG. REC. 26172, 95th Cong. 1st Sess. For discussion of consideration of en bloc amendments generally, see § 27, infra.

11. Edward P. Boland (Mass.).

12. 124 CONG. REC. 25453, 95th Cong. 2d Sess.

13. *Id.* at pp. 25415, 25416.

order of consideration for such amendments.

The Chairman:(14) All time has expired for general debate.

Pursuant to the rule the bill is considered as having been read for amendment. No amendments shall be in order except the following amendments which shall not be subject to amendment except amendments recommended by the Committee on Ways and Means, and which shall be considered in the following order:

First. The committee amendments printed in the bill (except for section 404);

Second. The committee amendment adding a new section 404. . . .

The Chairman: The Clerk will report the first committee amendment.

Mr. [Al] Ullman [of Oregon]: Mr. Chairman, I ask unanimous consent, in the interest of saving time, that the committee amendments as printed in the bill, except for section 404, be considered en bloc, considered as read, and printed in the Record.

The Chairman: Is there objection to the request of the gentleman from Oregon?

There was no objection.

Amendments to Committee Amendment

§ 26.8 Where there is pending a committee amendment, an amendment thereto and a substitute therefor, the vote is first taken on the amendment to the amendment, then on the substitute and finally on the committee amendment.

In the 92d Congress, during consideration of a bill(15) to provide for improved financing for the Corporation for Public Broadcasting, the following exchange took place:(16)

Mr. [Robert O.] Tiernan [of Rhode Island]: Do I correctly understand that the first vote will be on the amendment in the nature of a substitute offered by the gentleman from Massachusetts (Mr. Keith)?

The Chairman:(17) The Chair will state that the first vote will occur on the amendment to the committee amendment, that is, the amendment of the gentleman from Georgia. Then the vote will recur on the substitute offered by the gentleman from Massachusetts (Mr. Keith) and then the vote will recur on the committee amendment.

§ 26.9 Where there was pending a committee amendment in the form of a new title, an amendment thereto and a substitute therefor, the first vote was on the amendment to the committee amendment, then on the substitute, and then on the com-

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14. Philip R. Sharp (Ind.).

15. H.R. 13918.

16. 118 Cong. Rec. 19463, 92d Cong. 2d Sess., June 1, 1972. See also the proceedings at 117 Cong. Rec. 40587, 40590, 92d Cong. 1st Sess., Nov. 11, 1971.

17. Robert N. Giaimo (Conn.).

mittee amendment as it may have been amended.

On Apr. 6, 1977,(18) the Committee of the Whole having under consideration a bill,(19) the Chair responded to a parliamentary inquiry as described above:

THE CHAIRMAN:(20) The question is on the amendment offered by the gentleman from Massachusetts (Mr. Tsongas) to the committee amendment.

MR. [PAUL E.] TSONGAS: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. TSONGAS: Mr. Chairman, I believe it is in order that we vote first on the substitute offered by the gentleman from Ohio (Mr. Wylie), is it not?

THE CHAIRMAN: No. The Chair will state that the vote on the amendment to the committee amendment will occur first. Following that there will be a vote on the substitute for the committee amendment, as amended, if the amendment offered by the gentleman from Massachusetts (Mr. Tsongas) to the committee amendment is adopted. Following that there will be a vote on the committee amendment, as it may have been amended.

"Acceptance" of Amendment by Committee

§ 26.10 The Committee of the Whole must vote on a pending amendment even though it has been "accepted" by members of the committee reporting the bill.

On June 3, 1971,(1) the following proceedings took place:

MR. [JAMES G.] FULTON of Pennsylvania: Mr. Chairman, as ranking minority member of the Committee on Science and Astronautics, I can advise the gentleman, after having consulted with him about his amendment under the circumstances, we have no objection to the amendment passing. . . .

Mr. Chairman, on the amendment that we have just been discussing, it was stated that there would be no objection on either side of the aisle. Has there been any action taken on that amendment?

THE CHAIRMAN:(2) No, there has not been any action taken on the amendment.

The Chair would advise the gentleman that the Chair is trying to determine whether or not the gentleman from Illinois (Mr. Collier) desires to speak on the amendment.

MR. [HAROLD R.] COLLIER: Yes, I do, Mr. Chairman, and I would ask a parliamentary inquiry—the fact that they have not voiced any objection still leaves it open for discussion inasmuch as they have not accepted the amendment; is that correct?

THE CHAIRMAN: The amendment must be voted upon by the members of

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18. 123 CONG. REC. 10773, 10774, 95th Cong. 1st Sess.
19. H.R. 5262, providing for increased participation by the United States in international financial institutions.
20. Robert Duncan (Oreg.).

1. 117 CONG. REC. 17890, 92d Cong. 1st Sess. Under consideration was H.R. 1709.
2. James C. Wright, Jr. (Tex.).

the committee, the Chair would advise the gentleman from Illinois. . . .

Mr. Fulton of Pennsylvania: Mr. Chairman, when it is stated by both sides of the aisle that there is no objection, it would seem to me that the obvious effect of that is that the amendment is agreed to and it is acceptable to both sides. Of course, as the Chairman pointed out, it has to be passed on by the Committee of the Whole House on the State of the Union. . . .

The Chairman: The Chair states that any Member desiring recognition to discuss the amendment will be recognized.

Amendment Considered as Original Bill

§ 26.11 A unanimous-consent request has been made that the Committee of the Whole consider a committee amendment in the nature of a substitute as an original bill for purposes of amendment and that a separate vote in the House be allowed on any amendment to the original bill or to the committee substitute.(3)

§ 27. Considering Amendments En Bloc

Amendments may be considered en bloc only by unanimous consent,(4) or where specified by special rule.(5) Such amendments are voted on en bloc.(6)

Where amendments reported to the House have been considered en bloc in Committee of the Whole and a separate vote thereon is demanded in the House, the Chair puts the question on the amendments en bloc where no Member demands a division of the question in the House.(7)

Unanimous-Consent Requirement—Amendments to More Than One Section

§ 27.1 To a bill being read for amendment by sections, amendments to more than one section may be considered en bloc by unanimous consent only.

On Oct. 5, 1977,(8) the Committee of the Whole having under consideration H.R. 8410,(9) the Chair responded to a parliamentary inquiry concerning the procedure for offering amendments to two sections of the bill:

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(3) See § 36.22, infra.

(4) See §§ 27.2, 27.3, infra.

(5) See §§ 27.14–27.16, infra.

(6) See § 27.12, infra.

(7) For discussion of House consideration of amendments reported from Committee of the Whole, and demands for a separate vote on amendments, see § 36, infra.

(8) 123 Cong. Rec. 32523, 32524, 95th Cong. 1st Sess.

(9) The Labor Reform Act of 1977.

The Chairman:(10) Are there further amendments to section 7? . . .

Mr. [John N.] Erlenborn [of Illinois]: Mr. Chairman, I have amendments that amend both sections 7 and 8. The amendment to section 7 is technical and conforming in nature. The substance of the amendments is to section 8.

I would ask the Chairman if I might offer my amendments now, or should I wait until section 8 has been read?

The Chairman: The Chair will advise the gentleman from Illinois (Mr. Erlenborn) that if the gentleman desires to offer his amendments as one amendment, he will have to obtain unanimous consent to do so, either now or when section 8 is read.

—Committee Amendment Required by Special Rule To Be Considered First

§ 27.2 **Unanimous consent is required to consider en bloc separate committee amendments printed in a bill, even where a special order adopted by the House provides that the bill is considered as having been read for amendment and that said committee amendments are considered before other committee or individual amendments.**

On Aug. 10, 1978,(11) the Committee of the Whole was considering H.R. 13511, the Revenue Act of 1978, pursuant to House Resolution 1306,(12) a "modified closed" rule which provided that the bill be considered as read, allowed only designated amendments (including committee amendments), and prescribed the order of consideration for such amendments.

The Chairman:(13) All time has expired for general debate.

Pursuant to the rule the bill is considered as having been read for amendment. No amendments shall be in order except the following amendments which shall not be subject to amendment except amendments recommended by the Committee on Ways and Means, and which shall be considerd in the following order:

First. The committee amendments printed in the bill (except for section 404);

Second. The committee amendment adding a new section 404. . . .

The Chairman: The Clerk will report the first committee amendment.

Mr. [Al] Ullman [of Oregon]: Mr. Chairman, I ask unanimous consent, in the interest of saving time, that the committee amendments as printed in the bill, except for section 404, be considered en bloc, considered as read, and printed in the Record.

The Chairman: Is there objection to the request of the gentleman from Oregon?

There was no objection.

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(10) William H. Natcher (Ky.).

(11) 124 Cong. Rec. 25453, 95th Cong. 2d Sess.

(12) *Id.* at pp. 25415, 25416.

(13) Philip R. Sharp (Ind.).

En Bloc Amendments Where Motion To Strike Pending

§ 27.3 While there is pending a motion to strike out a title of a bill, only one perfecting amendment to that title may be offered at a time; however, a series of perfecting amendments may be considered en bloc by unanimous consent.

On June 11, 1975,(14) the Committee of the Whole having under consideration H.R. 6860,(15) a motion to strike out a title of the bill was offered. The proceedings, described above, were as follows:

> **Mr. [Bill] Alexander** [of Arkansas]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Alexander: Strike out title II (relating to energy conservation taxes), beginning on line 1 of page 29, and ending on line 24 of page 57. . . .
>
> **Mr. [Al] Ullman** [of Oregon]: Mr. Chairman, the amendment to strike will not be voted on until there is opportunity to vote on all of the perfecting amendments to title II?
>
> **The Chairman:**(16) The gentleman is correct. . . .
>
> **Mr. [Fortney H.] Stark** [of California]: Mr. Chairman, I offer several amendments, and ask unanimous consent that they be considered en bloc.
>
> The Clerk read as follows:
>
> Amendments offered by Mr. Stark: Page 30, strike out line 1 and all that follows down through line 5 on page 31.
>
> Page 32, strike out line 20 and all that follows down through line 25. . . .
>
> Page 124, line 25, strike out "section 44D(c)(2)" and insert in lieu thereof "section 44B(c)(2)".
>
> **The Chairman:** Is there objection to the request of the gentleman from California?
>
> There was no objection.
>
> **Mr. Ullman:** Mr. Chairman, the gentleman from California has offered an amendment which would strike part B. The gentleman from Arkansas has offered an amendment which would strike the whole title.
>
> I would assume, after part B is perfected, as the gentleman's amendment to strike part B asks, it would come before the amendment to strike the whole title. Am I correct?
>
> **The Chairman:** The Chair would like to advise the chairman of the committee that the amendment offered by the gentleman from California (Mr. Stark) is a perfecting amendment and will be voted on first. . . .
>
> **Mr. Stark:** Mr. Chairman, I ask unanimous consent at this point to withdraw my amendment and offer it later, after the gentleman from Ohio offers his amendment.
>
> **The Chairman:** Is there objection to the request of the gentleman from California?

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14. 121 Cong. Rec. 18435, 18437, 18438, 94th Cong. 1st Sess.
15. Energy Conservation and Conversion Act of 1975.
16. William H. Natcher (Ky.).

MR. [HERMAN T.] SCHNEEBELI [of Pennsylvania]: Mr. Chairman, reserving the right to object, I will ask what the parliamentary procedure is. In the event the gentleman withdraws his amendment, where do we stand?

THE CHAIRMAN: The Chair would like to advise the gentleman from Pennsylvania (Mr. Schneebeli) that if the unanimous-consent request is approved, we are back then to the Alexander amendment, which would be the amendment before the Committee, to strike the whole title, and other perfecting amendments to the title, as the gentleman from Pennsylvania knows, would be in order one at a time.

MR. SCHNEEBELI: Mr. Chairman, if it is withdrawn and we get back to the Alexander amendment, does that mean other amendments of a lesser tax cut would be considered first?

THE CHAIRMAN: That is correct.

MR. SCHNEEBELI: Mr. Chairman, I object because I want to vote on the Stark amendment before I vote on any other alternative amendments.

Points of Order While Request Pending

§ 27.4 Where unanimous consent is requested that two amendments to different provisions in a bill be considered en bloc, points of order against such amendments may be made or reserved pending agreement to the request.

On Feb. 19, 1970,(17) the following proceedings took place:

MR. [JAMES G.] O'HARA [of Michigan]: Mr. Chairman, I offer two amendments and I ask unanimous consent that they be considered en bloc. . . .

THE CHAIRMAN:(18) Is there objection to the request of the gentleman from Michigan that the amendments be considered en bloc?

MR. GERALD R. FORD [of Michigan]: Mr. Chairman, I reserve a point of order against the amendments as legislation on an appropriation bill. . . .

THE CHAIRMAN: The gentleman from Michigan, the respected minority leader, reserves a point of order.

Point of Order Against Part

§ 27.5 Where several amendments are offered en bloc by unanimous consent, they are considered as one amendment, and a point of order against any portion thereof renders the entire amendment subject to a point of order.

On Apr. 20, 1972,(1) the following proceedings took place:

MR. [LES] ASPIN [of Wisconsin]: Mr. Chairman, I offer amendments and ask unanimous consent that they be considered as read.

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17. 116 CONG. REC. 4028, 91st Cong. 2d Sess. Under consideration was H.R. 15931.
18. Chet Holifield (Calif.).
1. 118 CONG. REC. 13641, 13642, 92d Cong. 2d Sess. Under consideration was H.R. 14070.

THE CHAIRMAN:[2] Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The amendments offered by Mr. Aspin are as follows:

> Page 1, line 8, strike out "$1,094,200,000" and insert in lieu thereof "$894,000".
>
> Page 3, strike out lines 16 and 17, and redesignate the succeeding paragraphs accordingly.
>
> Page 6, line 24, strike out "(15)" and insert in lieu thereof "(14)".
>
> Page 7, line 11, strike out "(16)" and insert in lieu thereof "(15)".
>
> Page 11, insert the following new section after line 25 (and redesignate the succeeding section accordingly):
>
> "Sec. 7. The Administrator, acting through the National Academy of Sciences, is authorized and directed to conduct a full and complete study of the proposed Space Transport System (hereinafter in this section referred to as the "Space Shuttle"), and to report thereon to the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate, in order to assist the Congress in determining whether and to what extent funds should be included for the Space Shuttle in a subsequent authorization Act. Such study shall include—
>
> "(1) a determination and evaluation of the military applications of the Space Shuttle; . . .
>
> "(5) and analysis of whether and in what ways the expenditure of an equivalent amount for housing, education, mass transportation, and similar purposes might produce a larger or smaller net benefit to the Nation."

MR. ASPIN: Mr. Chairman, today we are considering the authorization for NASA, and a part of that authorization is $200 million for the space shuttle.

MR. [OLIN E.] TEAGUE of Texas: Mr. Chairman, will the gentleman yield for an inquiry?

MR. ASPIN: Yes, I would be glad to yield to the gentleman from Texas.

MR. TEAGUE of Texas: Do I understand the gentleman has two amendments?

MR. ASPIN: No; they are both one amendment.

MR. TEAGUE of Texas: Is it not the intention of the gentleman to ask unanimous consent to have the two amendments considered together?

MR. ASPIN: I did not make such a request, but I intend for them to be put together. They are on two pieces of paper, but they are supposed to be one amendment. . . .

THE CHAIRMAN: The Chair has examined the amendments and determines that this is indeed more than one amendment and, without unanimous consent, could not be joined. . . . .

MR. ASPIN: Mr. Chairman, I make that request at this time.

THE CHAIRMAN: Is there objection to considering the gentleman's amendments en bloc?

MR. TEAGUE of Texas: Mr. Chairman, I reserve the right to object.

Mr. Chairman, I withdraw my objection to combining the amendments and then, Mr. Chairman, I make a point of order against the whole amendment.

THE CHAIRMAN: Without objection, the amendments will be considered en bloc. . . .

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[2] John J. Rooney (N.Y.).

The gentleman from Texas will state his point of order.

Mr. Teague of Texas: Mr. Chairman, my point of order is that the gentleman's amendment directs the Administrator of NASA to make a study of housing and, for sure, this is not germane to the space authorization bill. The last paragraph of his second amendment, I assume, directs the Administrator of NASA to make a study of housing. . . .

Mr. Aspin: Mr. Chairman, what the amendment does is ask the people in NASA to instruct the National Academy of Sciences to conduct a study, and I would like to see a rather broader application of some of these questions with reference to the money being spent in the Space Agency. It does not instruct the Administrator of NASA to conduct the study, but asks that the National Academy of Science conduct the study and then provides for a broader spectrum of the questions that they should study.

Mr. Teague of Texas: Mr. Chairman, may I be heard further on the point of order?

The Chairman: The Chair recognizes the gentleman from Texas (Mr. Teague).

Mr. Teague of Texas: May I read the exact language that is in the amendment. It says:

> The Administrator, acting through the National Academy of Science is authorized and directed to conduct a full and complete study—

And it gets down to housing.

The Chairman: The Chair is prepared to rule.

The final paragraph of the amendment requires studies, investigations, and analyses of subjects which are not carried in the bill under consideration and not even within the jurisdiction of the Committee on Science and Astronautics which reported this bill.

The Chair, therefore, sustains the point of order.

§ 27.6 If a point of order is sustained against any portion of a package of amendments considered en bloc to a general appropriation bill, all the amendments are ruled out of order and must be reoffered separately, or those which are not subject to a point of order may be considered en bloc by unanimous consent.

An example of the proposition described above occurred on Sept. 16, 1981,(3) during consideration of H.R. 4241, the military construction appropriation bill for fiscal year 1982. The proceedings in the Committee of the Whole were as follows:

Mr. [Bo] Ginn [of Georgia]: Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point. . . .

There was no objection. . . .

Mr. [M. Caldwell] Butler [of Virginia]: Mr. Chairman, I offer amendments, and I ask unanimous consent that these amendments be considered en bloc.

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3. 127 Cong. Rec. 20735–37, 97th Cong. 1st Sess.

THE CHAIRMAN:(4) Is there objection to the request of the gentleman from Virginia?

There was no objection. . . .

> Amendments offered by Mr. Butler: Page 2, line 11, strike out "$1,029,519,000" and insert in lieu thereof "$1,009,276,400".
>
> Page 3, line 6, strike out "$1,404,883,000" and insert in lieu thereof "$1,354,096,100". . . .

MR. [THOMAS F.] HARTNETT [of South Carolina]: . . . My inquiry is: Is this amendment being offered as one amendment, and if it is, would the point of order be in order that the amendment was not properly drawn and that I was being precluded from voting for—I would have to vote for or against all of them where, in fact, I may want to vote for one or the other?

THE CHAIRMAN: The Chair will respond to the gentleman's inquiry by stating that the gentleman from Virginia has already gotten unanimous consent to offer his amendments en bloc. However, if a point of order is sustained against those amendments or any portion thereof, under the precedent the remaining amendments will have to be reoffered, at which point the gentleman from Virginia will again have to ask permission to have them offered en bloc. If that is denied, then the amendments would have to be offered individually.

MR. HARTNETT: Mr. Chairman, what you are telling me is, in order for the gentleman from Virginia to offer a series of amendments like that, the gentleman has to obtain unanimous consent prior to doing that or, in fact, he would have to offer each one of them individually?

THE CHAIRMAN: The gentleman is correct.

En Bloc Amendments Subject to Amendment

§ 27.7 Amendments considered en bloc (by unanimous consent) are subject to germane amendment.

On Mar. 9, 1978,(5) during consideration of H.R. 50(6) in the Committee of the Whole, an amendment to an amendment was pending which prompted the following exchange concerning the proposition described above:

MR. [RONALD A.] SARASIN [of Connecticut]: Mr. Chairman, I offer amendments and ask unanimous consent that the amendments be considered en bloc.

THE CHAIRMAN:(7) Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The Clerk read as follows:

> Amendments offered by Mr. Sarasin: Page 58, line 3, strike out "reasonable price stability" and insert in lieu thereof "the absence of inflation".
>
> Page 59, strike out line 1 and everything that follows through line 5, and redesignate the following para-

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4. Philip R. Sharp (Ind.).

5. 124 CONG. REC. 6281, 6282, 95th Cong. 2d Sess.

6. Full Employment and Balanced Growth Act of 1978.

7. William H. Natcher (Ky.).

graphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively. . . .

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Chairman, I offer amendments to the amendments.

The Clerk read as follows:

> Amendments offered by Mr. Wright to the amendments offered by Mr. Sarasin: On line 2 of the Sarasin amendment, strike all that follows the word "thereof," and insert in lieu thereof the following: "the effective control of inflation.".
>
> Page 64, line 16, strike out "and productivity" and insert in lieu thereof "productivity and reasonable price stability". . . .

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Chairman, do I understand the majority leader's proposal is an amendment to the amendment or is it in the form of a substitute?

THE CHAIRMAN PRO TEMPORE: The Chair would like to advise the gentleman from Illinois (Mr. Michel) that the gentleman from Texas (Mr. Wright) offers an amendment to the amendment of the gentleman from Connecticut.

Multiple Changes to Single Section Not Considered Separate Amendments

§ 27.8 A single amendment may make several related changes in a section of a bill, and each change in the section need not be considered as a separate amendment.

On Aug. 6, 1969,(8) the following proceedings took place:

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, by direction of the Committee on House Administration, I offer two amendments and ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

> Amendments offered by Mr. Hays:
>
> On Line 6, strike out "$26,000;" and insert in lieu thereof "$27,000;".
>
> On line 7, strike out "$25,000." and insert in lieu thereof "$26,000."

THE SPEAKER:(9) The Chair will state it is not necessary to ask unanimous consent to consider the amendments en bloc. All the amendments relate to one section of the bill.

Amendments to Committee Amendment and to Bill

§ 27.9 By unanimous consent, obtained prior to the adoption of a committee amendment, a Member was permitted to offer, en bloc, several amendments which were, in part, amendatory of a committee amendment previously adopted.

On Aug. 18, 1959,(10) the following proceedings took place:

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8. 115 CONG. REC. 22545, 91st Cong. 1st Sess. Under consideration was H. Res. 502.
9. John W. McCormack (Mass.).
10. 105 CONG. REC. 16244, 86th Cong. 1st Sess. Under consideration was H.R. 7985.

MR. [MERWIN] COAD [of Iowa]: Mr. Chairman, I offer an amendment. . . .

THE CHAIRMAN:(11) Is this an amendment to the committee amendment?

MR. COAD: I have an amendment to the bill.

THE CHAIRMAN: The question is on the committee amendment. . . .

MR. COAD: Mr. Chairman, my amendment will also embrace an amendment to the amendment. Is this the appropriate time to offer it?

THE CHAIRMAN: May the Chair say to the gentleman from Iowa if it is an amendment to the committee amendment it may be offered now.

MR. [OREN] HARRIS [of Arkansas]: Mr. Chairman, in order to assist and to expedite the matter, I ask unanimous consent that the gentleman may be permitted to offer his amendments en bloc, which necessarily go to the basic provision of section 315, also to the committee amendment. . . .

There was no objection. . . .

The committee amendment was agreed to.

MR. COAD: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 1, line 6 after the word "office" add the following: . . .

Amendments to Committee Amendments Not Yet Reported

§ 27.10 Where a Member has amendments to each of several committee amendments, he must offer such amendments singly, as each committee amendment is reported; and it is not in order to consider "en bloc" amendments to committee amendments which have not been reported.

On Feb. 20, 1964,(12) the following proceedings took place:

MR. [JEFFERY] COHELAN [of California]: Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows: . . .

MR. COHELAN: Mr. Chairman, I wonder if at this time I should offer my amendments en bloc, as I have two other amendments to the bill.

THE CHAIRMAN:(13) There is pending now only the first committee amendment to this section.

MR. COHELAN: Very well. I will introduce the others at the appropriate time.

Voting Upon

§ 27.11 When amendments are offered and considered en bloc, by unanimous consent, the question is put on all the amendments at the same time in the Committee of the Whole.

On July 18, 1969,(14) the following proceedings took place:

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11. James W. Trimble (Ark.).

12. 110 CONG. REC. 3217, 88th Cong. 2d Sess. Under consideration was H.R. 9637.

13. Harold D. Donohue (Mass.).

14. 114 CONG. REC. 22082, 90th Cong. 2d Sess. Under consideration was H.R. 15263.

Mr. [Edward J.] Derwinski [of Illinois]: Mr. Chairman, I ask unanimous consent that I be permitted to offer the two amendments en bloc to this section. . . .

There was no objection. . . .

Mr. [John W.] McCormack [of Massachusetts]: As I understand it the two amendments are being considered en bloc and will be voted upon en bloc?

The Chairman:(15) That is correct.

Time Allowed for Debate on En Bloc Amendments

§ 27.12 Where consideration en bloc is granted, by unanimous consent, of several amendments which had been printed in the Record, the proponent is entitled only to five minutes of debate on the amendments.

On July 25, 1974,(16) during consideration in the Committee of the Whole of the bill H.R. 11500, the Surface Mining Control and Reclamation Act of 1974, the Chair responded to a unanimous-consent request as described above. The proceedings were as follows:

Mr. [Craig] Hosmer [of California]: . . . I offer in addition my amendments Nos. 121, 127, 118, and 142 to the committee amendment in the nature of a substitute, and I ask unanimous consent that all of these amendments be considered en bloc and considered as read and printed in the Record.

The Chairman:(17) Is there objection to the request of the gentleman from California?

There was no objection.

Mr. Hosmer: Mr. Chairman, I make the additional unanimous-consent request that instead of the 25 minutes to which I might be entitled because of the application of rule XXIII, consisting of 5 minutes for each one of these amendments, notwithstanding that rule, I be recognized only for 5 minutes in toto.

The Chairman: The Chair will advise the gentleman that 5 minutes on his amendments considered en bloc is all the time the gentleman is entitled to in any event.

Special Rule Providing for Consideration of Committee Amendments En Bloc

§ 27.13 Where a bill is being considered under a special rule providing for consideration en bloc of certain committee amendments printed in the bill, the Chair directs the Clerk to report the amendments en bloc and they need not be offered from the floor.

On July 8, 1975,(18) the Committee of the Whole having under

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15. Charles M. Price (Ill.).

16. 120 Cong. Rec. 25244, 93d Cong. 2d Sess.

17. Neal Smith (Iowa).

18. 121 Cong. Rec. 21630, 94th Cong. 1st Sess.

consideration H.R. 49 (a bill relating to petroleum reserves on public lands, referred jointly to the Committees on Interior and Insular Affairs and Armed Services) pursuant to a special rule, the following proceedings occurred:

THE CHAIRMAN:(19) Under the rule, it shall now be in order to consider en bloc the amendments recommended by the Committee on Armed Services now printed in the bill.

The Clerk read as follows:

> Committee amendments:
>
> Page 3, between lines 19 and 20 insert the following: "TITLE I".
>
> Page 3, line 20, strike out "That in" and insert "Sec. 101. In". . . .
>
> Sec. 201. (a) Chapter 641 of title 10, United States Code, is amended as follows—
>
> (1) Immediately before section 7421 insert the following new section:
>
> "§ 7420. Definitions
>
> "(a) In this chapter—
>
> "(1) 'National defense' includes the needs of, and the planning and preparedness to meet, essential defense industrial and military emergency energy requirements relative to the national safety, welfare, and economy particularly resulting from foreign military or economic actions. . . .

MR. [JOHN] MELCHER [of Montana] (during the reading): Mr. Chairman, I ask unanimous consent that the amendments en bloc may be considered as read, printed in the Record and open to amendment at any point.

THE CHAIRMAN: Is there objection to the request of the gentleman from Montana?

There was no objection.

MR. [F. EDWARD] HÉBERT [of Louisiana]: Mr. Chairman, I will not offer the amendments of the Armed Services Committee as described in the rule.

THE CHAIRMAN: The Chair will advise the gentleman from Louisiana that under the rule the amendments are offered and presented en bloc. They have been presented.

MR. HÉBERT: Mr. Chairman, if they have been presented, under the parliamentary situation I ask for a vote.

THE CHAIRMAN: Does any Member wish to debate the committee amendments?

MR. MELCHER: Mr. Chairman, I rise to explain to the House that the amendments that are now before us are almost identical to H.R. 5919, the Armed Services bill that we have just voted down. I would encourage the House to reject these amendments, so that then we could get on under the rule to considering our Interior bill, H.R. 49, as presented by the Interior Committee.

THE CHAIRMAN: The question is on the committee amendments.

The amendments were rejected.

§ 27.14 In accordance with the procedure for considering committee amendments to a bill under the five-minute rule in Committee of the Whole, pursuant to a special order providing that said committee amendments be considered en bloc

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19. Neal Smith (Iowa).

and be considered as having been read, the Chairman instructs the Clerk to designate the page and line number of the amendments.

On Aug. 2, 1977,(20) during consideration of H.R. 8444, the National Energy Act, the proceedings described above were as indicated:

> The Chairman:(21) The Clerk will designate the page and line number of the ad hoc committee amendments, the first group of the amendments recommended by the ad hoc committee to be considered en bloc.
>
> The Clerk read as follows:
>
> Page 183, line 11 through page 184, line 19 . . . and on page 208, line 4 through page 209, line 2, and an amendment inserting on page 188, line 11, the word "domestic" before the word "crude".

En Bloc Consideration Pursuant to Special Rule: Separate Vote in House

§ 27.15 En bloc consideration of amendments in Committee of the Whole pursuant to a special order results in a vote en bloc in the House upon a demand for a separate vote on those amendments in their perfected form.

On Sept. 7, 1978,(22) during consideration of H.R. 7308,(1) the situation described above occurred as follows:

> The Chairman Pro Tempore: Under the rule, the Committee rises.
>
> Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. Murtha, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 7308) to amend title 18, United States Code, to authorize applications for a court order approving the use of electronic surveillance to obtain foreign intelligence information, pursuant to House Resolution 1266, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.
>
> The Speaker:(2) Under the rule, the previous question is ordered.
>
> Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?
>
> Mr. [Edward P.] Boland [of Massachusetts]: Mr. Speaker, I demand a separate vote en bloc on the McClory amendments agreed to on September 6. . . .
>
> The Speaker: Is a separate vote demanded on any other amendment to the Committee amendment? The Clerk

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20. 123 Cong. Rec. 26172, 95th Cong. 1st Sess.
21. Edward P. Boland (Mass.).
22. 124 Cong. Rec. 28423, 28424, 95th Cong. 2d Sess.
1. The Foreign Intelligence Surveillance Act of 1978.
2. Thomas P. O'Neill (Mass.).

will report the amendments en bloc on which a separate vote has been demanded.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BAUMAN: Mr. Speaker, is it proper for the gentleman from Massachusetts (Mr. Boland) to demand a separate vote en bloc on the amendments, or must he ask for a vote on each one of these amendments?

THE SPEAKER: The Chair will state that the rule provides that it shall be in order to consider the amendments en bloc, so under the rule the vote on the amendments would be considered as on the amendments en bloc.

Parliamentarian's Note: En bloc consideration of amendments in Committee of the Whole pursuant to a unanimous-consent request therein does not result in an en bloc vote in the House upon demand for a separate vote, since that is an order of the Committee not binding on the House. Moreover, even amendments considered en bloc pursuant to a special rule are subject to a demand for a division of the question in the House if divisible, unless prohibited by the rule.

Separate Consideration Where Opposition Arises

§ 27.16 Where amendments are permitted en bloc by unanimous consent they are normally voted upon en bloc, but where opposition develops to one of the amendments during their consideration, the Chairman (recognizing that the amendments could be divided for a vote) may put the question separately on that amendment.

On July 18, 1973,[3] the following proceedings took place:

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Madam Chairman, I ask unanimous consent that the committee amendments may be considered en bloc. . . .

There was no objection. . . .

THE CHAIRMAN:[4] The question is on the committee amendments.

MR. [PETER H. B.] FRELINGHUYSEN [of New Jersey]: Madam Chairman, I rise in opposition to the committee amendment on page 7 line 4, inserting section 9.

THE CHAIRMAN: Is there objection to the other committee amendments? If not the Chair will put the question on the remaining committee amendments. . . .

The remaining committee amendments were agreed to. . . .

THE CHAIRMAN: All other committee amendments have been agreed to. The gentleman will be recognized in opposition to the committee amendment.

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[3] 119 CONG. REC. 24682, 93d Cong. 1st Sess. Under consideration was H.J. Res. 542.

[4] Martha W. Griffiths (Mich.).

Division of Question Where Amendment Proposes To Strike Out Two Sections

§ 27.17 An amendment proposing to strike out two sections of a pending committee amendment in the nature of a substitute was, on demand of a Member, subjected to a division of the question in order to obtain separate votes on the proposals to strike out each section.

On July 25, 1974,(5) during consideration in the Committee of the Whole of the bill H.R. 11500, the Surface Mining Control and Reclamation Act of 1974, the proceedings, described above, were as follows:

> MR. [CRAIG] HOSMER [of California]: Mr. Chairman, I offer an amendment to the committee amendment in the nature of a substitute.
>
> Amendment offered by Mr. Hosmer to the committee amendment in the nature of a substitute: Page 252, line 15, through page 256, after line 19, strike out sections 404 and 405.
>
> THE CHAIRMAN:(6) Does the gentleman ask for a division of the question?
>
> MR. HOSMER: I do, Mr. Chairman. I ask unanimous consent for a division of the question as to sections 404 and 405. . . .
>
> There was no objection.
>
> THE CHAIRMAN: The question will be divided.
>
> The first question is upon the part of the amendment offered by the gentleman from California (Mr. Hosmer) referring to section 404.
>
> The portion of the amendment, referring to section 404, to the committee amendment in the nature of a substitute was agreed to.
>
> THE CHAIRMAN: The question is on the portion of the amendment offered by the gentleman from California (Mr. Hosmer) referring to section 405.
>
> The question was taken; and on a division (demanded by Mr. Hosmer) there were—ayes 7, noes 29.
>
> So the portion of the amendment referring to section 405, of the amendment to the amendment to the committee amendment in the nature of a substitute was rejected.

§ 28. Debating Amendments

Debate Until Chair Puts Question

§ 28.1 An amendment cannot be "accepted" by the majority and minority managers of a bill but must be voted on, and a Member may be recognized to debate the amendment for five minutes by offering a pro forma amendment.

On Nov. 18, 1981,(7) the Committee of the Whole having under

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5. 120 CONG. REC. 25238, 25239, 93d Cong. 2d Sess.
6. Neal Smith (Iowa).
7. 127 CONG. REC. 28026, 97th Cong. 1st Sess.

consideration H.R. 4995,(8) the above-stated proposition was illustrated as indicated below:

> MR. [JOSEPH P.] ADDABBO [of New York]: Mr. Chairman, we have no objection to the amendment. . . .
>
> MR. [JACK] EDWARDS of Alabama: Mr. Chairman, we have no objection to the amendment.
>
> MR. [THEODORE S.] WEISS [of New York]: Mr. Chairman, I move to strike the last word.
>
> MR. [SAMUEL S.] STRATTON [of New York]: Point of order, Mr. Chairman.
>
> Did I understand that the amendment had been accepted?
>
> THE CHAIRMAN:(9) The Chair did not put the question.
>
> MR. STRATTON: Is a motion to strike the last word in order at this time?
>
> THE CHAIRMAN: Even while an amendment is pending, the gentleman may be recognized for 5 minutes.

Amendments Not Debatable

§ 28.2 Where there was pending a committee amendment, an amendment thereto, a substitute therefor and an amendment to the substitute, time for debate on the amendment, the substitute, and all amendments thereto having expired, votes were taken on the amendment to the committee amendment and then on the amendment to the substitute, after which further amendments were offered and voted upon without debate.

On Aug. 5, 1970,(10) the following proceedings took place:

> THE CHAIRMAN PRO TEMPORE:(11) . . . The question is on the amendment offered by the gentleman from New York (Mr. Lowenstein) to the committee amendment.
>
> The amendment to the committee amendment was rejected.
>
> THE CHAIRMAN PRO TEMPORE: The question now occurs on the amendment offered by the gentleman from Indiana (Mr. Jacobs) to the substitute amendment offered by the gentleman from Illinois (Mr. Findley).
>
> The amendment to the substitute amendment was rejected.
>
> MR. [SAM] STEIGER of Arizona: Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from Illinois.
>
> The Clerk read as follows: . . .
>
> THE CHAIRMAN PRO TEMPORE: The question is on the amendment offered by the gentleman from Arizona (Mr. Steiger) to the substitute amendment offered by the gentleman from Illinois (Mr. Findley).

§ 28.3 In some instances, amendments may be offered that are not debatable.

Parliamentarian's Note: As an example, where all time for debate on a section of a bill and

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8. Department of Defense appropriations for fiscal year 1982.
9. Dan Rostenkowski (Ill.).
10. 116 CONG. REC. 27471, 91st Cong. 2d Sess. Under consideration was H.R. 18546.
11. Neal Smith (Iowa).

amendments thereto has expired, amendments may still be offered to the section, but are voted on without debate, except in certain cases where a Member has caused an amendment to be printed in the Record pursuant to the House rules.(12) Thus, while a perfecting amendment may be offered pending a motion to strike out a title, it is not debatable, except by unanimous consent, if offered after expiration of all debate time under a limitation unless printed in the Record.(13)

And rejection by the House or by the Committee of the Whole of a preferential motion to strike (or to recommend striking) the enacting clause permits the offering of proper amendments notwithstanding expiration of all debate time on the bill, but only amendments which have been printed in the Record may be debated for five minutes on each side.(14)

Motion To Close Debate; When in Order

§ 28.4 A motion to close debate on an amendment is not in order until there has been debate on the amendment (unless the proponent of the amendment yields for that purpose).(15)

On July 9, 1965,(16) the following proceedings took place:

Mr. [Basil L.] Whitener [of North Carolina]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Whitener: . . .

Mr. [Emanuel] Celler [of New York]: Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. Whitener: I yield to the gentleman.

Mr. Celler: Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end in 10 minutes.

The Chairman:(17) Is there objection to the request of the gentleman from New York?

Mr. [H. R.] Gross [of Iowa]: Mr. Chairman, I object.

Mr. Celler: Mr. Chairman, I move that all debate on this amendment and all amendments thereto end in 10 minutes.

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12. See § 14.9, supra.
13. See § 28.28, infra.
14. See § 28.29, infra.
15. See § 28.5, infra.
16. 111 Cong. Rec. 16233, 89th Cong. 1st Sess. Under consideration was H.R. 6400.

For rules governing debate under the five-minute rule and the effects of limitation thereon, see Rule XXIII clauses 5, 6, *House Rules and Manual* §§ 870–874 (101st Cong.). See, for general discussion, Ch. 29, Consideration and Debate, infra.

17. Richard Bolling (Mo.).

THE CHAIRMAN: The Chair will have to advise the gentleman that no such motion is in order until the gentleman from North Carolina has been heard on his amendment. The gentleman from North Carolina is recognized for 5 minutes.

§ 28.5 A motion to limit debate on an amendment, while privileged, cannot be made while another Member has the floor.

On Mar. 12, 1964,(18) the following proceedings took place:

MR. [JAMES H.] MORRISON [of Louisiana]: After consideration of the gentleman's amendment, could all debate on all amendments end in 20 minutes?

MR. [AUGUST E.] JOHANSEN [of Michigan]: Mr. Chairman, I object. . . .

MR. MORRISON: Mr. Chairman, I move that be done.

THE CHAIRMAN:(19) The gentleman from Nebraska has the floor. Does the gentleman from Nebraska yield to the gentleman from Louisiana?

MR. [GLENN C.] CUNNINGHAM [of Nebraska]: No, because I wish to make a statement. . . .

THE CHAIRMAN: The gentleman from Nebraska is recognized for 5 minutes.

§ 28.6 A motion to close all debate on a pending amendment and amendments thereto has been interpreted to include amendments not yet offered or at the desk.

On Aug. 13, 1959,(20) the following proceedings took place:

MR. [GRAHAM A.] BARDEN [of North Carolina]: Mr. Chairman, I move that all debate on the amendment and all amendments thereto close at 4 o'clock. . . .

MR. [EDWIN E.] WILLIS [of Louisiana]: My parliamentary inquiry is this: Would the suggested time of closure of debate on all pending amendments—I seek an interpretation of "all pending amendments." Does that include amendments on the desk? . . .

THE CHAIRMAN:(21) The Chair may say that the pending amendment is the Landrum-Griffin bill. Amendments thereto are the amendments that are on the desk which have not yet been offered. . . .

MR. [JOHN] TABER [of New York]: And that would include any other amendments which may hereafter be offered?

THE CHAIRMAN: That would include all amendments.

§ 28.7 A motion to close all debate on a bill and all amendments thereto under the five-minute rule is not in order when the bill has not been completely read; such motion may be made only with respect to that portion which has been read and on which there has been debate.

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18. 110 CONG. REC. 5118, 88th Cong. 2d Sess.
19. Chet Holifield (Calif.).
20. 105 CONG. REC. 15850, 86th Cong. 1st Sess.
21. Francis E. Walter (Pa.).

On June 4, 1975,(1) during consideration of a bill(2) in Committee of the Whole, a motion to close debate was made and the proceedings, as described above, were as follows:

> Mr. [Don] Edwards of California: . . . Mr. Chairman, I believe we have an agreement to vote on the final passage of the bill at 6:30 and with a time limitation on certain amendments that remain, so I ask unanimous consent at this time that the bill be considered as read in full and open to amendment at any point.
>
> The Chairman:(3) Is there objection to the request of the gentleman from California?
>
> Mr. [James P.] Johnson of Colorado: Mr. Chairman, I object.
>
> Mr. Edwards of California: Mr. Chairman, I so move.
>
> The Chairman: The motion is not in order. Only title II could be closed at this time by a motion.

Motion To Limit Debate; Reservation of Time Not in Order

§ 28.8 A motion to limit debate on an amendment is not in order if it includes a reservation of time for the committee.

On Dec. 12, 1969,(4) the following proceedings took place:

> Mr. [William H.] Ayres [of Ohio]: Mr. Chairman, I move that all debate on the substitute amendment and all amendments thereto close at 6 o'clock with the last 5 minutes reserved to the committee.
>
> The Chairman:(5) The matter of the last 5 minutes being reserved to the committee may not be included in the motion.

Special Rule Limiting Debate on Amendments During Further Consideration

§ 28.9 The Committee on Rules may report a resolution providing additional procedures to govern the further consideration of a measure already pending in Committee of the Whole, including limiting further consideration of amendments to a total amount of time, and prohibiting further debate or amendments when the limitation has expired.

On May 4, 1983,(6) the Committee on Rules Chairman, Claude

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1. 121 Cong. Rec. 16895, 94th Cong. 1st Sess.
2. H.R. 6219, Voting Rights Act extension.
3. Richard Bolling (Mo.).
4. 115 Cong. Rec. 38844, 91st Cong. 1st Sess. Under consideration was H.R. 12321.
5. John J. Rooney (N.Y.).
6. 129 Cong. Rec. 11036, 11037, 98th Cong. 1st Sess.

Pepper, of Florida, called up for immediate consideration in the House, House Resolution 179, providing for the further consideration of House Joint Resolution 13, then pending in Committee of the Whole. The reported resolution and Chairman Pepper's comments thereon were as follows:

Mr. Pepper: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 179 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 179

Resolved, That during the further consideration of the joint resolution (H.J. Res. 13) calling for a mutual and verifiable freeze on and reductions in nuclear weapons, further consideration of amendments to the committee amendment in the nature of a substitute shall terminate at the expiration of ten further hours of such consideration, and at the expiration of said time the Committee of the Whole shall immediately proceed to vote on any amendments pending to said substitute, and then on said substitute. During such time limitation, debate on any amendment to said substitute, and on any amendment thereto, whether or not printed in the Congressional Record, shall continue not to exceed thirty minutes, equally divided and controlled by the proponent of the amendment and a Member opposed thereto. After the disposition of said substitute, the preamble shall be considered for amendment, debate on each amendment to the preamble or on each amendment thereto shall continue not to exceed thirty minutes, equally divided and controlled by the proponent of the amendment and a Member opposed thereto, and further consideration of amendments to the preamble shall terminate at the expiration of two hours of such consideration, and at the expiration of said time the Committee of the Whole shall immediately proceed to vote on any amendments pending to the preamble. After the disposition of said amendments, it shall be in order to consider the amendment in the nature of a substitute by Representative Broomfield made in order by House Resolution 138 for amendment under the five-minute rule, debate on each amendment to the amendment or on each amendment thereto shall continue not to exceed thirty minutes, equally divided and controlled by the proponent of the amendment and a Member opposed thereto, and further consideration of amendments to said amendment shall terminate at the expiration of two hours of such consideration, and at the expiration of said time the Committee of the Whole shall immediately proceed to vote on any amendments pending to said amendment, and then on said amendment. During the further consideration of the joint resolution, the Chairman of the Committee of the Whole shall not entertain any pro forma amendment offered for the purpose of obtaining time for debate only. During the further consideration of the joint resolution, the Chairman of the Committee of the Whole may, in his discretion, announce after a recorded vote has been ordered that he may reduce to not less than five minutes the period of time in which a recorded vote, if ordered, will be taken by electronic device on any amendment which is to be voted on without further debate immediately following that fifteen-minute recorded vote. In the event that an amendment in the nature of a substitute to the committee amendment in the nature of a substitute to the resolution is adopted, it shall not be in order to demand a separate vote in the House on any other amendment adopted to said committee substitute. . . .

Mr. Pepper: Mr. Speaker, there are two essential elements involved in the legislative process. One is the right to debate, the other is the right to decide. We have had some 45 hours of debate upon the pending resolution. This rule today is offered by the Rules Committee as an instrument by which the Members of this House may also enjoy the right to decide the pertinent issues involved in the pending resolution.

Mr. Speaker, House Resolution 179 provides additional procedures for the consideration of House Joint Resolution 13, calling for a mutual and verifiable freeze on and reductions in nuclear weapons. Prior to discussing the actual provisions of this rule, Mr. Speaker, I would like to take a few minutes to discuss the necessity for this rule.

On March 15, 1983, the Committee on Rules ordered reported an open rule allowing 3 hours of general debate on House Joint Resolution 13. The rule, House Resolution 138, was adopted on March 16 and since that time, Mr. Speaker, the House has spent more than 45 hours over 5 days considering only the resolving clause of the joint resolution. On April 14, Chairman Zablocki requested an additional rule on House Resolution 13, but later asked the Rules Committee that the meeting scheduled for April 19 be canceled after he reached what he believed at that time to be an agreement to finish debate on the matter.

On April 21, the House agreed, by a vote of 214 to 194 and after three attempts, to a motion that "debate on the resolving clause—to House Joint Resolution 13—and all amendments thereto cease at 3:30 p.m." on that date. The effect of that time limitation agreement was to stop further debate on the resolving clause of House Joint Resolution 13 under the 5-minute rule, with the exception that amendments printed in the Congressional Record could be offered pursuant to clause 6, rule XXIII, allowing the member presenting the amendment 5 minutes to explain his amendment, and the first person to obtain the floor 5 minutes to oppose the amendment. In addition, perfecting amendments could be offered while such amendments were pending. However, such perfecting amendments would have been decided without debate unless printed in the Record.

The Committee of the Whole again debated House Joint Resolution 13 on Thursday, April 28. At that time, it became apparent that the House would not be able to complete consideration of the nuclear freeze resolution in any reasonable amount of time. Chairman Zablocki then stated his intention of asking the Rules Committee to grant an additional rule of the joint resolution.

The Committee on Rules met on Monday, May 2, to consider the possibility of granting an additional rule and again yesterday to discuss further the rule and to vote on special order that we are bringing before the House today.

Let me say that during my absence last week I had left authority before my departure with the able ranking majority member on the Rules Committee, the gentleman from Louisiana, Mr. Long, to perform the necessary duties to allow the Rules Committee to function. He subsequently met with the leadership of the House and they formulated basically the rule which is presented today. It was that rule which was considered on Monday and Tuesday of this week. We heard several witnesses, 10 to 12 witnesses, most from the minority party on that rule on Monday.

Parliamentarian's Note: This rule has provided a model for further rules on complicated bills (see, for example, House Resolution 247, on H.R. 2760, Intelligence Authorization Amendment, reported June 29, 1983; and House Resolution 300, on H.R. 2453, Radio Broadcasting to Cuba, reported Aug. 3, 1983).

Special Rule Precluding Pro Forma Amendments

§ 28.10 Where a bill was being considered for amendment pursuant to a special "modified closed" rule permitting only designated amendments to be offered and precluding amendments thereto, with debate on each amendment limited and controlled, the Chair indicated that pro forma amendments for the purpose of debate were not in order.

On May 21, 1986,(7) the Committee of the Whole having under consideration H.R. 4800,(8) the Chair responded to a parliamentary inquiry in the circumstances described above:

The Chairman:(9) When the Committee of the Whole rose on Tuesday, May 20, 1986, all time for general debate had expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule. The amendments printed in section 2 of House Resolution 456, agreed to by the House on May 15, 1986, are considered as having been adopted.

No other amendments to the bill are in order except the following amendments printed in the Congressional Record of May 15, 1986, . . . by, and if offered by the designated Members or their designees, which shall be considered only in the following order, shall be considered as having been read, shall not be subject to amendment or to a demand for a division of the question, and each amendment shall be debatable for 30 minutes, or 1 hour in the case of amendments (8) and (12), the time to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto: . . .

Mr. [Don] Young of Alaska: Mr. Chairman, I have a parliamentary inquiry.

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7. 132 Cong. Rec. 11484, 11485, 11566, 99th Cong. 2d Sess.
8. The Omnibus Trade Act of 1986.
9. Anthony C. Beilenson (Calif.).

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. YOUNG of Alaska: Mr Chairman, can I move to strike the last word and get 5 minutes?

THE CHAIRMAN: The time is controlled by the gentleman from Wisconsin [Mr. Roth, the proponent of the amendment]. The gentleman has to seek time from the gentleman from Wisconsin or the gentleman from Washington [Mr. Bonker, controlling time in opposition to the amendment].

Allocation of Time or Recognition Following Limitation on Debate; Discretion of Chair

§ 28.11 A limitation of debate on a bill and all amendments thereto to a time certain in effect abrogates the five-minute rule; and decisions regarding the division of the remaining time and the order of recognition of those Members desiring to speak are largely within the discretion of the Chair who may defer recognition of listed Members whose amendments have been printed in the Record and who are therefore guaranteed five minutes notwithstanding the limitation.

On June 4, 1975,(10) the Committee of the Whole having under consideration the bill H.R. 6219,(11) a motion to close debate on the bill and all amendments was agreed to, and resulted in a division of the remaining time, as described above. The proceedings were as follows:

MR. [DON] EDWARDS of California: Mr. Chairman, I move that all debate on the bill and all amendments thereto terminate at 6:45 p.m.

THE CHAIRMAN:(12) The question is on the motion offered by the gentleman from California.

The motion was agreed to. . . .

THE CHAIRMAN: With the permission of the committee, the Chair will briefly state the situation.

There are a number of Members who do not have amendments that were placed in the record, and the Chair feels that he must try to protect them somewhat, so he proposes to go to a number of Members on the list so they will at least get some time. The time allotted will be less than a minute.

The Chair recognizes the gentleman from Texas (Mr. de la Garza).

§ 28.12 A limitation of time for debate abrogates the five-minute rule and allocation of the time remaining to Members seeking recognition is within the discretion of the Chair, except that Members who had caused amendments to be printed in the Record under

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(10) 121 CONG. REC. 16899, 16901, 94th Cong. 1st Sess.

(11) Voting Rights Act extension.

(12) Richard Bolling (Mo.).

Rule XXIII clause 6 would receive the full five minutes.

On June 26, 1975,(13) during consideration of a bill(14) in the Committee of the Whole, a unanimous-consent request to close debate on the bill and all amendments thereto was agreed to. The proceedings were as follows:

Mr. [Neal] Smith of Iowa: Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto cease in 60 minutes.

The Chairman:(15) Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Chairman: The Chair will further add that all Members who were standing at the time the limitation of debate was made will be recognized for approximately 2 minutes each. . . .

Mr. [Robert F.] Drinan [of Massachusetts]: Mr. Chairman, will the time be limited with regard to the amendments offered by the gentleman from Pennsylvania (Mr. Heinz) so that the other Members who have filed amendments will also have a certain amount of time?

The Chairman: The Chair will state that the gentleman from Pennsylvania (Mr. Heinz) will be recognized, and then all other Members will be allotted 2 minutes, except for such amendments as were printed in the Congressional Record. Every Member who has an amendment that was printed in the Congressional Record will be guaranteed a full 5 minutes.

§ 28.13 Where time for debate has been limited and the time remaining has been allocated by the Chair, a Member offering an amendment printed in the Record is nevertheless entitled to five minutes—with five minutes in opposition—and if that debate comes out of the allocated time the Chair must reduce and reallocate the remaining time among the Members previously listed.

The proceedings on June 26, 1975,(16) during consideration of a bill(17) in the Committee of the Whole, were as follows:

The Chairman:(18) The time of the gentleman has expired.

Mr. [M. Caldwell] Butler [of Virginia]: Mr. Chairman, I ask that I may be permitted to speak on my own time.

The Chairman: The Chair recognizes the gentleman from Virginia for 1 additional minute.

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13. 121 Cong. Rec. 20951, 20957, 94th Cong. 1st Sess.
14. H.R. 8121, Departments of State, Justice, and Commerce, the Judiciary, and related agencies appropriation bill for fiscal 1976.
15. Charles A. Vanik (Ohio).
16. 121 Cong. Rec. 20965, 94th Cong. 1st Sess.
17. H.R. 8121, Departments of State, Justice, and Commerce, the Judiciary, and related agencies appropriations for fiscal 1976.
18. Charles A. Vanik (Ohio).

Mr. Butler: Mr. Chairman, I would inquire, am I not to be permitted to proceed for my full time?

The Chairman: The Chair will advise the gentleman from Virginia that the time has been reallocated because of the time taken under the 5-minute rule.

§ 28.14 Where debate under the five-minute rule has been limited to a time certain and time allocated among those Members desiring to speak, the Chair may either insist that listed Members utilize their time when first recognized or may, in his discretion, permit a recognized Member to reserve his time with the admonition that subsequent recognition would not be assured if time expired.

An example of the situation described above occurred on Apr. 9, 1979,(19) during consideration of H.R. 3324.(20)

Mr. [Clement J.] Zablocki [of Wisconsin]: Mr. Chairman, I ask unanimous consent that all debate on the Bauman amendment and the Solarz amendment to the Bauman amendment and all amendments thereto end at 3:30 o'clock. . . .

The request having been agreed to, the Chair announced that time would be allocated among Members desiring to speak at one minute each.

Mr. [Paul] Findley [of Illinois]: Mr. Chairman, I offer an amendment. . . .

The Chairman:(21) The Chair would advise the gentleman from Illinois the amendment is not in order. There is already an amendment pending to the Bauman amendment.

Mr. Findley: May I reserve my time?

The Chairman: If there is still time left. The Chair would point out the limitation is for 3:30 p.m.

§ 28.15 Where the Committee of the Whole has, by unanimous consent, permitted four designated amendments to be offered to a title of a bill which has been passed in the reading for amendment, and has limited time on those amendments to a time certain, the Chair may, in his discretion, allocate in advance a portion of that time among the proponent and opponent of those amendments and then allocate the remaining time among other Members desiring to speak.

On Jan. 29, 1980,(1) during consideration of H.R. 4788(2) in the

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19. 125 Cong. Rec. 7763, 96th Cong. 1st Sess.

20. The International Development Cooperation Act of 1979.

21. Elliott H. Levitas (Ga.).

1. 126 Cong. Rec. 992–94, 96th Cong. 2d Sess.

2. The Water Resources Development Act.

Committee of the Whole, the proceedings described above occurred as follows:

Mr. [Robert W.] Edgar [of Pennsylvania]: Mr. Chairman, I ask unanimous consent that titles III and IV be open to amendment at any point. . . .

Mr. [William H.] Harsha [of Ohio]: Mr. Chairman, reserving the right to object, we have passed over title III, and without unanimous consent it is my understanding that the gentleman could not offer any amendment to title III. Is that correct?

The Chairman: The gentleman is correct.

Mr. Harsha: Further reserving the right to object, could the gentleman explain to me what amendments he proposes to offer to title III?

Mr. Edgar: I would be glad to. I would hope that we could protect the gentleman from Montana in offering his amendment to the Libby Dam, and then I have three amendments I would like to offer, amendments in title III. . . .

The Chairman:[3] Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. [Ray] Roberts [of Texas]: Mr. Chairman, I ask unanimous consent that all debate on title III and all amendments thereto end at 4:40.

The Chairman: Does the gentleman from Texas wish to allocate any portion of that time under his unanimous-consent request, consistent with the discussion that took place previously?

Mr. Roberts: Five minutes only. I think there is enough to go around. I will not use my 5 minutes.

The Chairman: Is there objection to the request of the gentleman from Texas (Mr. Roberts)?

Mr. Edgar: Reserving the right to object, in our colloquy we had suggested that the gentleman from Montana be given at least a minimum of 5 minutes and the gentleman from Washington be given 5 minutes. I would have no objection to that.

The Chairman: Does the gentleman from Texas (Mr. Roberts) so revise his unanimous-consent request?

Mr. Roberts: I do, Mr. Chairman.

The Chairman: Is there objection to the request of the gentleman from Texas (Mr. Roberts) as revised?

Mr. Clausen: Reserving the right to object, 10 minutes is going to be allocated to the Montana project. Is the balance to be divided among the Members standing, or will there be a division between the majority and the minority of the remaining time?

Mr. Roberts: If the gentleman will yield, that would be up to the Chair, but we have already authorization for revision and extension. We have beaten this thing over the head all day, and I would certainly hope we can go ahead with it. I will certainly give my attention to that.

Mr. Clausen: Mr. Chairman, I withdraw my reservation of objection.

The Chairman: Is there objection to the request of the gentleman from Texas (Mr. Roberts)?

There was no objection.

The Chairman: The Chair has discretion to allocate time under the unanimous-consent request. In addition to the allocation which has been requested of 5 minutes for the gentleman from Montana and 5 minutes for the gentleman from Washington, the Chair in the exercise of that discretion will allocate a total of 10 minutes to the gentleman from Pennsylvania (Mr. Edgar) on the basis that he is offering three amendments, and will allocate the balance of the time to those Members who are standing.

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[3] Matthew F. McHugh (N.Y.).

Members standing at the time the unanimous-consent request was agreed to will be recognized for 40 seconds each, with the possible loss of time if there are any recorded votes.

The Chair recognizes the gentleman from Pennsylvania (Mr. Edgar) for 10 minutes.

§ 28.16 In allocating time under a limitation on debate under the five-minute rule, the Chairman of the Committee of the Whole may in his discretion recognize first those Members wishing to offer amendments after having equally divided the time among all Members desiring to speak.

On Nov. 18, 1981,(4) during consideration of H.R. 4995(5) in the Committee of the Whole, the situation described above occurred as follows:

MR. [JOSEPH P.] ADDABBO [of New York]: Mr. Chairman, there are about nine amendments at the desk. I have looked at those amendments. The committee will be accepting at least six or seven of them. There are only two or three that may be slightly controversial and subject to some slight debate.

I would therefore believe that we can finish this bill tonight and not be burdened with it tomorrow because I know full well if we come in tomorrow, we will be using a whole day for what can be completed in approximately half an hour here tonight.

Mr. Chairman, I ask unanimous consent that all debate on this bill and all amendments thereto end at 9:30 p.m.

THE CHAIRMAN:(6) Is there objection to the request of the gentleman from New York?

There was no objection.

THE CHAIRMAN: Members standing at the time the unanimous consent request was agreed to will be recognized for 1 minute each.

The Chair will recognize first those Members who have amendments.

§ 28.17 Where a "modified closed" rule permitted only one amendment in the nature of a substitute and one substitute therefor, and divided a separate hour of debate on each substitute between the same two Members, the Chair permitted the total time to be accumulated and consumed before putting the question on the substitute.

On June 10, 1982,(7) during consideration of House Concurrent

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4. 127 CONG. REC. 28074, 97th Cong. 1st Sess.
5. Department of Defense appropriation bill, fiscal year 1982.
6. Dan Rostenkowski (Ill.).
7. 128 CONG. REC. 13387, 13390, 13395, 13399, 13409, 97th Cong. 2d Sess.

Resolution 352[8] in the Committee of the Whole, the proceedings described above occurred as follows:

The Chairman:[9] All time for general debate has expired.

Pursuant to clause 8 of rule XXIII, the concurrent resolution is considered as having been read for amendment and open for amendment at any point. . . .

Mr. [Delbert L.] Latta [of Ohio]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Chairman: . . . The Clerk will designate the amendment in the nature of a substitute.

The amendment in the nature of a substitute is as follows:

> Amendment in the nature of a substitute offered by Mr. Latta: Strike all after the resolving clause and insert in lieu thereof the following: . . .

The Chairman: Under the rule, the gentleman from Oklahoma (Mr. Jones) will be recognized for 30 minutes and the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oklahoma, Mr. Jones.

[Mr. James R. Jones, of Oklahoma, offered an amendment as a substitute for the amendment in the nature of a substitute as permitted by the rule.]

The Chairman: Pursuant to the provisions of House Resolution 496, the gentleman from Oklahoma (Mr. Jones) will be recognized for 30 minutes and the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Oklahoma (Mr. Jones).

Mr. Jones of Oklahoma: Mr. Chairman, in order to resolve the technicalities, I will use 30 minutes on the Jones substitute first, and the remaining 30 minutes on the Latta substitute. I think we have agreed to alternate back and forth the total hour we have.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. Simon) a member of the committee. . . .

[After debate:]

Mr. [Ralph] Regula [of Ohio]: Mr. Chairman, I have a parliamentary inquiry. . . .

What is the situation at the moment? Have we completed with the first hour, that is, in effect, the debate on the Jones substitute?

The Chairman: In effect, the Chair has. The Chair believes, and it has been treating the time as a fungible commodity. The total time has been allocated as to both amendments. In effect, the gentleman from Ohio has remaining to himself to yield, 30 minutes, and the gentleman from Oklahoma has 29 minutes remaining.

§ 28.18 Following an agreement to limit debate on an amendment and an amendment thereto to a time certain, the Chairman of the Committee of the Whole may exercise his discretion and allot the remaining

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[8] First concurrent resolution on the budget, fiscal 1983.

[9] Anthony C. Beilenson (Calif.).

time in several equal parts, between, for example, the offerors of an amendment and an amendment to the amendment, and the floor manager of the bill.

On Apr. 13, 1983,(10) during consideration of House Joint Resolution 13(11) in the Committee of the Whole, the situation described above occurred as follows:

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: . . . I ask unanimous consent that debate close at 6:05. . . .

MR. [JACK] KEMP [of New York]: Mr. Chairman, I object. . . .

MR. ZABLOCKI: 6:15?

THE CHAIRMAN:(12) Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

THE CHAIRMAN: The unanimous-consent request is agreed to and debate is limited to 6:15.

The Chair is going to exercise discretion and allot the time in three equal parts to the gentleman from Iowa (Mr. Leach), the gentleman from Colorado (Mr. Brown) and the gentleman from Wisconsin (Mr. Zablocki) and, of course, those Members can yield for purposes of debate.

MR. [NEWT] GINGRICH [of Georgia]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. GINGRICH: Mr. Chairman, if I may express my ignorance for a moment, is it, in fact, the prerogative of the Chair in that sort of unanimous-consent request to then design whatever system seems workable?

THE CHAIRMAN: Yet, it is. The Chair has exercised its discretion in light of the circumstances and allocates 6 minutes to the gentleman from Iowa (Mr. Leach); 6 minutes to the gentleman from Colorado (Mr. Brown); and 6 minutes to the gentleman from Wisconsin (Mr. Zablocki).

§ 28.19 Where the Committee of the Whole has, by unanimous consent, considered the remainder of a bill as read and open to amendment at any point, and has then separately limited debate on each remaining title and all amendments thereto to a number of hours of debate, equally divided and controlled, the Chair may, through the power of recognition, continue to require debate and amendments to proceed title by title.

During consideration of H.R. 2100(13) in the Committee of the Whole on Oct. 3, 1985,(14) the situation described above occurred as follows:

MR. [KIKA] DE LA GARZA [of Texas]: Mr. Chairman, in order to facilitate the debate for the rest of the day, I ask

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10. 129 CONG. REC. 8425, 8426, 98th Cong. 1st Sess.
11. Nuclear Weapons Freeze.
12. Matthew F. McHugh (N.Y.).
13. The Food Security Act of 1985.
14. 131 CONG. REC. 25897, 25947, 25948, 99th Cong. 1st Sess.

unanimous consent that the remainder of the bill after this title be printed in the Record, and open to amendment at any point. . . .

There was no objection. . . .

Mr. de la Garza: Mr. Chairman, further to facilitate and expedite the debate of today, I ask unanimous consent that all debate on title VIII on peanuts, and all amendments thereto on that title, be limited to 1 hour, the time to be divided equally between the proponents and the opponents. . . .

There was no objection.

Mr. de la Garza: Mr. Chairman, I ask unanimous consent that debate on title XV and all amendments thereto, which is the food stamps section, be limited to 1 hour, to be divided equally between the proponents and the opponents, and further, that the debate on the Petri amendment to title XXI be limited to 1 hour, the time to be equally divided between the proponents and the opponents. . . .

There was no objection. . . .

Mr. de la Garza: Mr. Chairman, under the unanimous-consent agreement on the time and on opening the bill for amendment at any point, does the Chair intend to proceed title by title?

The Chairman: It is the intention of the Chair to proceed title by title for amendments.

§ 28.20 Where a special order adopted by the House limits debate on an amendment to be controlled by the proponent and an opponent, and prohibits amendments thereto, the Chair may in his discretion recognize the manager of the bill if opposed, and there is no requirement for recognition of the minority party.

On June 18, 1986,(15) during consideration of H.R. 4868(16) in the Committee of the Whole, the situation described above occurred as follows:

The Chairman:(17) Under the rule, the gentleman from California (Mr. Dellums) will be recognized for 30 minutes, and a Member opposed to the amendment will be recognized for 30 minutes.

Will those gentlemen who are opposed to the Dellums amendment kindly stand so the Chair can designate?

Is the gentleman from Washington (Mr. Bonker) opposed to the amendment?

Mr. [Don] Bonker [of Washington]: I advise the Chair that I oppose the amendment.

The Chairman: Then the Chair will recognize the gentleman from Washington (Mr. Bonker) for 30 minutes in opposition to the Dellums amendment.

Does the gentleman from Washington wish to yield any of his time or share any of his time?

Mr. Bonker: Mr. Chairman, I would yield half the allotted time, 15 minutes, to the gentleman from Michigan (Mr. Siljander). . . .

The Chairman: The time in opposition will be equally divided between

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15. 132 Cong. Rec. 14275, 14276, 99th Cong. 2d Sess.
16. The Anti-Apartheid Act of 1986.
17. Bob Traxler (Mich.).

the gentleman from Washington [Mr. Bonker] and the gentleman from Michigan [Mr. Siljander]. . . .

Mr. [Robert S.] Walker [of Pennsylvania]: Mr. Chairman, do I understand that the process that has just taken place has given the minority side one-quarter of the time.

The Chairman: The Chair would counsel the gentleman from Pennsylvania in regard to his inquiry that the rule provides that a Member will be recognized in opposition. The gentleman from Washington (Mr. Bonker) was recognized in opposition, and he shared his time with your side.

Mr. Walker: In other words, the minority, though, was not recognized for the purposes of opposition. Is that correct?

The Chairman: The Chair would state that the procedures of the House are governed by its rules, but more importantly in this instance, by the rule adopted by the House as reported from the committee.

—Member Not Allocated Time

§ 28.21 **Where debate has been limited on a pending title and all amendments thereto and the Chair has divided the remaining time among Members desiring to offer amendments or to speak, a Member not allocated time may not speak in opposition to an amendment.**

During proceedings on July 25, 1974,(18) relating to H.R. 11500, the Surface Mining Control and Reclamation Act of 1974, the Chair indicated that a time limitation imposed in Committee of the Whole on debate on an amendment and all amendments thereto abrogates the right of a Member(19) to speak for five minutes in opposition to an offered amendment.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 11500, with Mr. [Neal] Smith of Iowa in the chair.

The Clerk read the title of the bill.

The Chairman: When the Committee rose on yesterday, titles II through VIII inclusive were subject to amendment at any point, and there was pending an amendment offered by the gentleman from California (Mr. Hosmer) to title II of the committee amendment in the nature of a substitute. Before recognizing the gentleman from California, the Chair will state for the information of the Committee of the Whole that there are 42 minutes remaining out of 50 minutes debate allocated to title II under the unanimous consent agreement of Tuesday, July 23.

Before the Chair recognizes the gentleman fron California, the Chair will reiterate his announcement of yesterday that if listed Members who have printed their amendments to title II in the Record would agree to offer those

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18. 120 Cong. Rec. 25214, 25217, 93d Cong. 2d Sess.

19. See Rule XXIII clause 5(a), *House Rules and Manual* § 870 (101st Cong.).

amendments during the 42-minute period, and to be recognized for 1 minute and 20 seconds, the Chair will recognize both committee and noncommittee members for that purpose.

The Chair will request that Members who have amendments printed in the Record and who insist upon 5 minutes for debate defer offering those amendments until the conclusion of the 42 remaining minutes. . . .

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. ROUSSELOT: In this time frame, when somebody might object or support the amendment, how does he get time to do it? He does not?

THE CHAIRMAN: Not unless he is on the list.

MR. ROUSSELOT: In other words, if anyone wants to oppose the amendment, he has no time; is that correct?

THE CHAIRMAN: Not unless the gentleman is on the list announced by the Chair.

Control of Debate by Proponent of Amendment

§ 28.22 Where all time for debate on an amendment and all amendments thereto is limited and, by unanimous consent, placed in control of the proponent of the amendment and the chairman of the committee (in opposition), the Chair first recognizes the proponent of the amendment.

On July 9, 1965,(20) the following statement was made by the Chair:

THE CHAIRMAN:(1) When the Committee rose on yesterday, there was pending the amendment offered by the gentleman from Ohio [Mr. McCulloch] as a substitute for the committee amendment.

It was agreed that all time for debate on the so-called McCulloch substitute and all amendments thereto would be limited to 2 hours, such time to be equally divided and controlled by the gentleman from New York [Mr. Celler] and the gentleman from Ohio [Mr. McCulloch]. Under the unanimous-consent agreement, the Chair recognizes the gentleman from Ohio [Mr. McCulloch] in support of his amendment.

Pro Forma Amendment Offered by Proponent of Pending Amendment

§ 28.23 Under the five-minute rule the proponent of a pending amendment may offer a pro forma amendment thereto (for additional debate time) only by unanimous consent.

On Apr. 13, 1983,(2) the Committee of the Whole having under

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20. 111 CONG. REC. 16207, 16217, 89th Cong. 1st Sess. Under consideration was H.R. 6400.

1. Richard Bolling (Mo.).

2. 129 CONG. REC. 8382, 98th Cong. 1st Sess.

consideration House Joint Resolution 13,[3] the above-stated proposition was illustrated as indicated below:

Mr. [Elliott H.] Levitas [of Georgia]: Mr. Chairman, I move to strike the requisite number of words.

The Chairman:[4] Without objection, the gentleman from Georgia (Mr. Levitas) is recognized for 5 minutes.

There was no objection.

Mr. [Samuel S.] Stratton [of New York]: Mr. Chairman, I have a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Stratton: Mr. Chairman, does the gentleman from Georgia (Mr. Levitas) have an amendment pending?

The Chairman: The gentleman from New York is correct. The gentleman from Georgia has an amendment in the nature of a substitute to the text pending.

Mr. Stratton: Well, is it proper to strike the last word on one's own amendment?

The Chairman: The gentleman asked for recognition, and without objection, he was recognized for 5 minutes.

Mr. Stratton: I just wanted to make sure the amendment was still pending.

The Chairman: The gentleman is correct.

§ 28.24 A Member who has been recognized for five minutes in support of his amendment in Committee of the Whole may offer a pro forma amendment to his amendment to gain an additional five minutes only by unanimous consent.

An example of the situation described above occurred on Mar. 18, 1986,[5] during consideration of H.R. 4151.[6] The proceedings in the Committee of the Whole were as follows:

Mr. [Robert S.] Walker [of Pennsylvania]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Walker:
>
> (1) in the section heading, strike out "EFFECTIVE DATE OF ENTITLEMENTS" and insert in lieu thereof "SPECIAL BUDGET ACT RULES FOR ENTITLEMENTS"; and
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> (2) strike out the period at the end of the section and insert in lieu thereof the following: ", and shall be effective for any fiscal year only to the extent or in the amounts provided in appropriation Acts.". . .

After Mr. Walker's initial remarks in support of the amendment, the following proceedings took place:

Mr. Walker: Mr. Chairman, I move to strike the requisite number of words.

The Chairman:[7] Is there objection to the request of the gentleman from Pennsylvania?

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[3] Nuclear Weapons Freeze.

[4] Matthew F. McHugh (N.Y.).

[5] 132 Cong. Rec. 5257, 5260, 5261, 99th Cong. 2d Sess.

[6] The Omnibus Diplomatic Security and Anti-terrorism Act.

[7] Gerald D. Kleczka (Wis.).

Mr. [Daniel A.] Mica [of Florida]: Mr. Chairman, the normal procedure is each individual is allowed to speak for one time, is it not?

The Chairman: By unanimous consent, the gentleman can be recognized for another period of time.

Mr. Mica: Mr. Chairman, I will not object at this time.

The Chairman: Is there objection to the request of the gentleman from Pennsylvania?

There was no objection

Parliamentarian's Note: Occasionally, the proponent of an amendment has sought recognition as a matter of right "in opposition to a pro forma amendment" offered by another Member in order to gain an additional five minutes, on the assumption that in such case he is not amending his own amendment but is complying with the five-minute rule by speaking in opposition to another Member's amendment.

Putting Question Before Time Expires

§ 28.25 Where there is pending an amendment to a bill, an amendment thereto, a substitute therefor and an amendment to the substitute, and debate on those amendments has been limited to a time certain but has not yet been consumed, the Chair may, at his discretion, put the question on the amendment to the original amendment after ascertaining that no Member previously listed to speak desires to debate that amendment.

On July 27, 1970,(8) the following proceedings took place:

Mr. [Donald M.] Fraser [of Minnesota]: Would it be in order that we might have a vote now on the Burke amendment?

The Chairman:(9) If there are no other speakers on the list that the Chair has that was taken down at the time of the request of the gentleman from California (Mr. Sisk) to limit debate then that would be in order. . . .

Mr. [Joe D.] Waggonner [Jr., of Louisiana]: The Chair means if there are no further speakers on the Burke amendment; does he not?

The Chairman: That is correct; on the Burke amendment. In order to clarify the question, are there other speakers on the amendment offered by the gentleman from Massachusetts (Mr. Burke) to the amendment offered by the gentleman from Massachusetts (Mr. O'Neill)? Are there any other speakers on that amendment? If not, the Chair at this time will put the question.

Debate on Amendments Printed in Record (Rule XXIII, clause 6)

§ 28.26 Where under a time limitation only five minutes of debate is available in opposition

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8. 116 Cong. Rec. 25813, 91st Cong. 2d Sess. Under consideration was H.R. 17654.

9. William H. Natcher (Ky.).

both to an amendment and to a substitute therefor printed in the Record, one Member cannot simultaneously be recognized for 10 minutes in opposition to both amendments, but must be separately recognized on each amendment, with preference of recognition being accorded to members of the committee reporting the bill.

During consideration of H.R. 1872[10] in the Committee of the Whole on June 27, 1985,[11] the situation described above occurred as follows:

> Amendment offered by Mr. Markey: Insert the following new section at the end of title X (page 200, after line 4). . . .

Mr. [Vic] Fazio [of California]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Fazio as a substitute for the amendment offered by Mr. Markey: Insert the following new section at the end of title X (page 200, after line 4). . . .

Mr. [Samuel S.] Stratton [of New York]: Mr. Chairman, I move to strike the requisite number of words. . . .

Mr. Chairman, I rise in opposition to the amendment and the amendment to the amendment. . . .

Mr. [Robert E.] Badham [of California]: Mr. Chairman, at this time, I would ask a parliamentary inquiry of the Chair.

The Chairman Pro Tempore:[12] The gentleman will state his parliamentary inquiry.

Mr. Badham: My inquiry is that since there were two offerings, an amendment and an amendment to the amendment in the form of a substitute, would the opposition now be exercising its prerogative in using 10 minutes in opposition to both?

The Chairman Pro Tempore: That is correct, except that the gentleman from New York rose in opposition to the Markey amendment. There would be 5 minutes of debate left in opposition to the Fazio substitute.

Mr. Badham: Then if I, at this time, ask to speak in opposition to the Markey amendment, would that be in order and could time be used consecutively?

The Chairman Pro Tempore: The gentleman from New York rose in opposition to the Markey amendment.

Mr. Stratton: Mr. Chairman, I rose in opposition to both amendments, both the Markey amendment and the Fazio amendment.

The Chairman Pro Tempore: The Chair will state first the gentleman can only rise in opposition to one amendment at a time, and when he rose, the Chair understood him to rise first in opposition to 'the Markey amendment. That leaves only 5 minutes in opposition to the Fazio substitute amendment.

§ 28.27 Amendments printed in the Congressional Record are

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[10] The Defense Department authorization bill, fiscal 1986.

[11] 131 Cong. Rec. 17799-802, 99th Cong. 1st Sess.

[12] Marty Russo (Ill.).

debatable for 10 minutes after the expiration of a limitation on debate under the five-minute rule in Committee of the Whole.

The principle stated above was the basis of the following exchange, which occurred on May 31, 1984,(13) during consideration of H.R. 5167(14) in the Committee of the Whole:

Mr. [Melvin] Price [of Illinois]: Mr. Chairman, I move that all debate on the bill and amendments thereto be completed in 1 hour.

The Chairman:(15) The question is on the motion offered by the gentleman from Illinois (Mr. Price).

Mr. [Berkley] Bedell [of Iowa]: Mr. Chairman, I have a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Bedell: Is it correct that Members having amendments that are printed in the Record will have 10 minutes?

The Chairman: If they came after the limitation is imposed, yes, the gentleman is correct.

§ 28.28 While a perfecting amendment may be offered pending a motion to strike out a title, it is not debatable, except by unanimous consent, if offered after expiration of all debate time under a limitation unless printed in the Record.

On July 29, 1983,(16) during consideration of H.R. 2957(17) in the Committee of the Whole, the proceedings described above occurred as follows:

Mr. [William N.] Patman [of Texas]: Mr. Chairman, I offer an amendment.

The Chairman:(18) Is the amendment printed in the Record?

Mr. Patman: Yes, it is.

The Clerk read as follows:

> Amendment offered by Mr. Patman: Strike line 13 on page 18 and all that follows through line 8 on page 28.

Mr. [Henry B.] Gonzalez [of Texas]: Mr. Chairman, I have a perfecting amendment to title III at the desk which I offer.

The Clerk read as follows:

> Perfecting amendment offered by Mr. Gonzalez: On line 18, page 19, strike out "6,310.8 million Special Drawing Right" and insert in lieu thereof "1,750 million Special Drawing Rights". . . .

Mr. Gonzalez: Mr. Chairman, this is a perfecting amendment to the Patman amendment which strikes title III.

The Chairman: The Chair would inquire of the gentleman from Texas whether this perfecting amendment has been printed in the Record.

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13. 130 Cong. Rec. 14657, 98th Cong. 2d Sess.
14. Defense Department authorization bill.
15. Dan Rostenkowski (Ill.).
16. 129 Cong. Rec. 21678, 21679, 98th Cong. 1st Sess.
17. International Monetary Fund Authorization.
18. Donald J. Pease (Ohio).

Mr. Gonzalez: No, Mr. Chairman, it has not been printed in the Record.

Mr. [Fernand J.] St Germain [of Rhode Island]: I have a point of order, Mr. Chairman. I think that the amendment is not in order.

The Chairman: The Chair would state that the amendment offered by the gentleman from Texas (Mr. Gonzalez) is a perfecting amendment to title III. As such, it takes precedence over a motion to strike. It is in order. . . .

Mr. [Ed] Bethune [of Arkansas]: Mr. Chairman, is it not the case that when a Member offers a perfecting amendment to an amendment such as is the case before us now, he should be recognized for 5 minutes to explain his amendment?

The Chairman: The Chair will state that the rules do not provide for any debate after a limitation of time on any amendment which has not been previously printed in the Record.

Mr. Gonzalez: Mr. Chairman, I ask unanimous consent that I may be permitted to explain my amendment.

Mr. [Doug] Barnard [Jr., of Georgia]: Mr. Chairman, I object.

§ 28.29 Rejection by the Committee of the Whole or by the House of a preferential motion to strike the enacting clause permits the offering of proper amendments notwithstanding expiration of all debate time on the bill, but only amendments which have been printed in the Record may be debated for five minutes on each side.

On July 29, 1983,[19] the proposition described above was demonstrated during consideration of H.R. 2957,[20] in the Committee of the Whole. The proceedings were as follows:

Mr. [Trent] Lott [of Mississippi]: Mr. Chairman, I offer a preferential motion.

The Chairman:[1] The Clerk will report the preferential motion.

The Clerk read as follows:

> Mr. Lott moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out. . . .

Mr. [Ed] Bethune [of Arkansas]: Mr. Chairman, I have a parliamentary inquiry. . . .

Earlier today, Mr. Chairman, a request was made for unanimous consent to limit debate to 12 o'clock. That was defeated. Later it was put in the form of a motion and that carried, limiting the debate to 12 o'clock today. That, therefore, closed debate past the hour of 12 o'clock.

Now, a motion to rise is being made by the minority whip. Does that foreclose now the offering of further amendments should that motion to rise carry?

The Chairman: If the preferential motion to strike the enacting clause carries, further amendments would not be in order. . . .

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[19] 129 Cong. Rec. 21675, 21676, 98th Cong. 1st Sess.

[20] The International Monetary Fund Authorization.

[1] Donald J. Pease (Ohio).

Mr. [Ronald E.] Paul [of Texas]: Mr. Chairman, if this motion were to fail, whose amendments will be protected? Only those who have amendments printed in the Record, or anybody who has an amendment?

The Chairman: Under the rule, if this motion is defeated, any amendment printed in the Record could be offered and debated for 5 minutes on each side. Any other germane amendment could also be offered but no debate would be allowed.

§ 28.30 The guarantee of 10 minutes of debate on amendments printed in the Record inures to an amendment offered as a substitute for another amendment, rather than as an original amendment, where offered in the precise form printed.

Although an amendment printed in the Record to assure debate time under Rule XXIII, clause 6 was not drafted as a substitute for another amendment, 10 minutes of debate was permitted on a substitute amendment offered to the precise point in the bill as previously printed in the Record. The proceedings of June 26, 1979,(2) during consideration of H.R. 3930, the Defense Production Act Amendments of 1979, were as follows:

Amendment offered by Mr. Udall: Page 8, after line 13 add the following new subsection and renumber the subsequent sections accordingly:

(g)(1) The Secretary of Energy is hereby authorized to designate a proposed synthetic fuel or feedstock facility as a priority synthetic project pursuant to the procedures and criteria provided in this section. . . .

Mr. [Morris K.] Udall [of Arizona] (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record. . . .

Mr. [Clarence J.] Brown of Ohio: Mr. Chairman, reserving the right to object, I wish to make a point of order. Mr. Chairman, the amendment which I had offered and had printed in the Record would be an appropriate substitute amendment for the amendment offered by the gentleman from Arizona (Mr. Udall). Under the time limitation, if I understand correctly, I have 5 minutes to offer that amendment.

The Chairman:(3) That is correct if offered in the proper form. . . .

Mr. Brown of Ohio: The question I would put to the Chair as a parliamentary inquiry is: Does, then, my amendment become appropriate to this amendment and give me the right to 5 minutes to discuss my amendment?

The Chairman: If the gentleman were to offer his amendment as a substitute for this amendment in the form printed in the Record, he would, indeed, have the 5 minutes guaranteed to him under the rule.

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(2) 125 Cong. Rec. 16681, 16682, 96th Cong. 1st Sess.

(3) Gerry E. Studds (Mass.).

§ 28.31 To be guaranteed five minutes of debate on an amendment printed in the Record under Rule XXIII clause 6, notwithstanding a limitation of debate, the published amendment must properly indicate the proposition under consideration to which such published amendment is intended to be offered.

On Sept. 28, 1976,[4] the Committee of the Whole having under consideration H.R. 15,[5] a motion to limit debate was agreed to which prompted parliamentary inquiries regarding the effect of that limitation on amendments which had been printed in the Record. The proceedings were as follows:

MR. [WALTER] FLOWERS [of Alabama]: Mr. Chairman, I move that all debate on the amendment in the nature of a substitute and all amendments thereto be limited to 30 minutes.

THE CHAIRMAN:[6] The question is on the motion offered by the gentleman from Alabama (Mr. Flowers). . . .

[T]he motion was agreed to. . . .

MR. [ABNER J.] MIKVA [of Illinois]: Mr. Chairman, if any Member has had an amendment to the amendment in the nature of a substitute printed in the Record, that Member would, of course, be protected by the rule and would be allowed to speak for 5 minutes?

THE CHAIRMAN: If the amendment had been printed in the proper form, the gentleman is correct. . . .

MR. [THOMAS N.] KINDNESS [of Ohio]: Mr. Chairman, to clarify the previous parliamentary inquiry, if an amendment was published in the Record as an amendment to be offered to H.R. 15 and not as an amendment to the substitute, I take it that the Member offering the amendment would not be protected at this stage of the proceedings?

THE CHAIRMAN: The gentleman is correct.

§ 28.32 Pursuant to Rule XXIII clause 6, only that Member who offers an amendment which he has had printed in the Record is guaranteed five minutes of debate notwithstanding a time limitation, and that right does not inure to another Member who may offer the amendment.

On June 1, 1976,[7] the Committee of the Whole having under consideration H.R. 12169,[8] the above-described proceedings occurred as follows:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I move that all debate on all amendments to the bill and all amendments thereto end at 5:30. . . .

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[4] 122 CONG. REC. 33081, 33082, 94th Cong. 2d Sess.

[5] Public Disclosure of Lobbying Act of 1976.

[6] Richard Bolling (Mo.).

[7] 122 CONG. REC. 16044, 94th Cong. 2d Sess.

[8] Federal Energy Administration extension.

MR. [FRANK] HORTON [of New York]: Mr. Chairman, the gentleman from Connecticut (Mr. Dodd) had to leave. I am going to offer an amendment that he was going to offer. It was printed in the Record.

Will I be permitted to do this?

THE CHAIRMAN:[9] The Chair will advise the gentleman from New York that only those Members who have had their amendments printed in the Record will be protected. Only those Members.

MR. HORTON: It was in the Record, but it was not under my name. It was an amendment of the gentleman from Connecticut (Mr. Dodd). I would offer it in his absence.

THE CHAIRMAN: The Chair will advise the gentleman from New York that the Member who places the amendment in the Record must offer it for there to be debate on the amendment under clause 6 of rule XXIII.

§ 28.33 Printing an amendment in the Record pursuant to Rule XXIII clause 6 merely permits 10 minutes of debate thereon notwithstanding a limitation of time if the amendment has been properly offered, and does not permit the offering of an amendment not otherwise in order under the rules.

On Apr. 23, 1975,[10] during consideration of a bill[11] in the Committee of the Whole, an amendment in the nature of a substitute was offered and the following proceedings occurred:

MR. [ROBERT W.] EDGAR [of Pennsylvania]: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. Edgar: Strike out everything after the enacting clause and insert in lieu thereof the following:
>
> That this Act may be cited as the "Vietnam Humanitarian Assistance and Evacuation Act of 1975."
>
> Sec. 2. The President is directed to evacuate from South Vietnam within ten days of the enactment of this Act the following categories of persons:
>
> (1) United States citizens;
>
> (2) dependents of United States citizens and of permanent residents of the United States; and
>
> (3) Vietnamese nationals eligible for immigration to the United States by reason of their relationships to United States citizens. . . .

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I move that all debate on this substitute amendment and all amendments thereto close at 4 p.m.

THE CHAIRMAN:[12] The question is on the motion offered by the gentleman from Pennsylvania.

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[9] William H. Natcher (Ky.).

[10] 121 CONG. REC. 11491, 11499, 94th Cong. 1st Sess.

[11] H.R. 6096, Vietnam Humanitarian and Evacuation Assistance Act.

[12] Otis G. Pike (N.Y.).

The motion was agreed to. . . .

Mr. [John M.] Ashbrook [of Ohio]: Mr. Chairman, inasmuch as the substitute offered by the gentleman from Pennsylvania would preclude many of us from offering amendments which had heretofore been dropped into the hopper and printed in today's Record in compliance with the rules, will we be granted the set-aside 5 minutes to present our amendments inasmuch as the substitute amendment offered by the gentleman from Pennsylvania (Mr. Edgar) would extinguish our right to offer an amendment at that point?

The Chairman: If the amendment in the nature of a substitute offered by the gentleman from Pennsylvania (Mr. Edgar) is agreed to, the stage of amendment would have been passed and no further amendments would be in order to the bill.

§ 28.34 An amendment must be offered in the precise form in which it was printed in the Congressional Record to guarantee its proponent time for debate notwithstanding a limitation imposed in Committee of the Whole.

On July 25, 1974,[13] during consideration in the Committee of the Whole of a bill,[14] the following proceedings occurred with regard to an amendment that was offered:

Mr. [Philip E.] Ruppe [of Michigan]: Mr. Chairman, I offer an amendment to the committee amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment offered by Mr. Ruppe to the committee amendment in the nature of a substitute: Page 282, line 14, after the period insert the following words: "The general elevation of the overall mined area may be lower than its original elevation. . . .

The Chairman:[15] The Chair will ask the gentleman, Was this printed in the Record?

Mr. Ruppe: Something was printed in the Record similar to it, but I have changed the language somewhat.

The Chairman: It must be identical. If the amendment was not printed in the Record there can be a vote on the amendment but there will be no time for debate.

The question is on the amendment offered by the gentleman from Michigan (Mr. Ruppe) to the committee amendment in the nature of a substitute.

§ 28.35 While clause 6 of Rule XXIII permits any Member who has printed an amendment in the Record five minutes of debate thereon notwithstanding time limitations imposed by the Committee of the Whole, the amendment must be offered in the precise form in which it was printed in the Record to guarantee its proponent time for debate, and an amendment

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[13] 120 Cong. Rec. 25253, 93d Cong. 2d Sess.

[14] H.R. 11500, the Surface Mining Control and Reclamation Act of 1974.

[15] Neal Smith (Iowa).

printed in the Record to be offered to original text is not protected by the rule when offered in different form as an amendment to a pending substitute.

On July 22, 1974,[16] the Committee of the Whole having under consideration the bill, H.R. 11500, the Surface Mining Control and Reclamation Act of 1974, an inquiry was addressed to the Chair regarding debate on amendments which had been printed in the *Congressional Record*. The proceedings were as follows:

> MR. [KEN] HECHLER of West Virginia: A parliamentary inquiry, Mr. Chairman.
>
> THE CHAIRMAN:[17] The gentleman will state it.
>
> MR. HECHLER of West Virginia: If the substitute is adopted, offered by the gentlewoman from Hawaii, would it be out of order to have amendments to that section? . . .
>
> THE CHAIRMAN: Once the substitute is adopted, then a vote would be on the Hosmer amendment as amended by the substitute. Prior to the vote on the substitute, however, there could be amendments to the substitute. . . .
>
> MR. [CRAIG] HOSMER [of California]: If that is the case, how would one key in the amendments to the substitute, inasmuch as the substitute is basically a Xerox copy of section 201, with its original line numbers on some pages starting at line 18 and ending on line 13 and at other pages going to other delineations?
>
> THE CHAIRMAN: The Chair will state that the amendments must be drafted as an amendment to the substitute, rather than to a section of the committee amendment. . . .
>
> MR. HECHLER of West Virginia: What about those Members who have had their amendments printed in the Record; would they then be entitled to transfer the 5 minutes to which they are eligible under the rules to amendments to the substitute?
>
> THE CHAIRMAN: Debate on such amendments, assuming a limitation of time, would only be in order if the amendments were properly offered in the precise form in which they had been printed in the Record, and if the amendments had not been printed in the Record as amendments to the substitute, then debate would not be permitted.

Later, in proceedings[18] relating to the same bill, H.R. 11500, Mr. Joseph M. McDade, of Pennsylvania, sought to offer an amendment:

> MR. MCDADE: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment to the committee amendment in the nature of a substitute. . . .
>
> The Clerk read as follows:
>
> Amendment offered by Mr. McDade to the amendment offered by Mr. Ruppe as a substitute for the amendment offered by Mr. Seiberling to the committee amendment in

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16. 120 CONG. REC. 24453, 93d Cong. 2d Sess.
17. Neal Smith (Iowa).
18. 120 CONG. REC. 25232, 93d Cong. 2d Sess., July 25, 1974.

> the nature of a substitute: Page 249, strike out lines 15 through 16 and insert in lieu thereof the following:
>
> (3) appropriations made to the fund, or amounts credited to the fund, under subsection (d). . . .

THE CHAIRMAN:(19) The Chair will advise the gentleman from Pennsylvania that the time has been set. The gentleman is not on the list.

MR. MCDADE: Mr. Chairman, may I say that I have this amendment printed in the Record. It has been printed for about 10 days.

THE CHAIRMAN: This is an amendment drafted as an amendment to the Ruppe substitute, whereas the amendment which the gentleman caused to be printed in the Record was drafted as an amendment to the committee amendment.

—Where Special Rule Limits Consideration

§ 28.36 When the Committee of the Whole is operating under a special order limiting consideration of all amendments to a number of hours of consideration, and the Committee rises during that time immediately following the offering of an amendment, that amendment remains pending when the Committee resumes its sitting and subsequent amendments may be offered only after its disposition and during the time remaining for consideration of all amendments; no amendments may be offered thereafter, since the special order terminates consideration and overrides Rule XXIII clause 6, which would otherwise guarantee additional time for amendments printed in the Record.

An example of the situation described above occurred on Apr. 9, 1986,(20) during consideration of H.R. 4332 (the Firearms Law Reform Act). The proceedings in the Committee of the Whole were as follows:

> The Clerk read as follows:
>
> Amendment offered by Mr. Hughes to the amendment, as amended, offered by Mr. Volkmer as a substitute for the Judiciary Committee amendment in the nature of a substitute, as amended: Page 7, line 10, strike out "shall not apply" and all that follows through "firearms" in line 2 on page 8, and insert in lieu thereof the following: "shall not apply to the sale or delivery of any rifle or shotgun to a resident of a State other than a State in which the licensee's place of business is located. . . .

MR. [WILLIAM J.] HUGHES [of New Jersey]: Mr. Chairman, I yield the balance of my time, and move that the Committee do now rise.

THE CHAIRMAN:(1) The gentleman yields back the balance of his time and moves that the Committee rise. . . .

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19. Neal Smith (Iowa).

20. 132 CONG. REC. 6896, 6897, 99th Cong. 2d Sess.

1. Charles B. Rangel (N.Y.).

Mr. [Charles] Roemer [of Louisiana]: Is it the position of the House, Mr. Chairman, that when we rise and meet tomorrow, the Hughes amendment pending now would begin the debate?

The Chairman: The gentleman from Louisiana is exactly correct.

Mr. [Harold L.] Volkmer [of Missouri]: Mr. Chairman, I have a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Volkmer: When we come in tomorrow and the Committee begins to act on the bill, we will have only the time left under the 5 hours for amendments, is that not correct?

The Chairman: The gentleman is correct.

Mr. Volkmer: Which right now is approximately 1 hour?

The Chairman: The gentleman is correct.

Mr. Volkmer: And then the rest of the amendments, are they cut off? Or do we go ahead for those that are in the Record and vote on them after 5 minutes each?

The Chairman: There will not be any amendments that would be in order after the conclusion of the 5-hour consideration.

Scope of Debate on Pro Forma Amendment

§ 28.37 Debate in the Committee of the Whole under the five-minute rule is confined to the subject and, if the point of order is raised, a Member may not under a pro forma amendment discuss a section of the bill not immediately pending.(2)

§ 28.38 Debate on a pro forma amendment must be confined to the portion of the bill to which the pro forma amendment has been offered.

On June 21, 1974,(3) during consideration of a bill in the Committee of the Whole, the Chair made the ruling described above:

Mr. [Pierre S.] du Pont [of Delaware]: Mr. Chairman, I move to strike the requisite number of words. . . .

Mr. Chairman, I am taking this time now for fear that when we get down to the end of the bill there will be a limitation of time, and I will not have the opportunity to explain the amendment that I intend to offer on the last page of the bill.

Mr. Chairman, I intend to offer an amendment to set a maximum limit on the appropriations under this bill to $12.7 billion. . . .

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2. Pro forma amendments are those phrased to make some superficial change in a bill—such as "to strike the last word"—where the underlying purpose is to obtain time for debate or to offer an explanation, no actual change in the bill being contemplated. Such amendments are discussed in § 2, supra. See, especially, § 2.4, supra, discussing the scope of debate on a pro forma amendment.

3. 120 Cong. Rec. 20595, 93d Cong. 2d Sess. Under consideration was H.R. 15472, agriculture, environment and consumer appropriations, fiscal 1975.

Mr. [John E.] Moss [of California]: Mr. Chairman, a point of order.

The Chairman:(4) The gentleman will state his point of order.

Mr. Moss: Mr. Chairman, my point of order is that I must insist upon the regular order, and the regular order is not being observed. There has been no unanimous-consent request to proceed out of order, and the House is now proceeding out of order. So I call for the regular order.

The Chairman: The gentleman will proceed in the regular order.

Mr. [H. John] Heinz [of Pennsylvania]: Mr. Chairman, will the gentleman yield?

Mr. du Pont: I will be glad to yield to the gentleman from Pennsylvania.

Mr. Heinz: I thank the gentleman for yielding.

I am afraid the intent——

Mr. Moss: Mr. Chairman, I insist on the regular order, and the regular order is the point of the bill where we are now reading. It is not a point to be reached at a later time. I insist upon the regular order.

The Chairman: The gentleman is correct. The gentleman in the well received permission to strike out the last word and then proceeded to discuss an amendment to be offered to the last section of the bill. The gentleman from Pennsylvania is not discussing a part of the bill that is pending.

The point of order is sustained.

§ 28.39 Where a special order adopted by the House permitted the offering of a non-germane amendment which would then be subject to both pro forma amendments for debate and to four designated amendments (which in turn would also be subject to pro forma amendments), the Chair indicated that pro forma debate on the broader subject of the original amendment could be had although one of the substantive amendments thereto might be pending.

On Oct. 17, 1979,(5) the Committee of the Whole having under consideration S. 832(6) pursuant to a special order, the Chair responded to a parliamentary inquiry as described above. The proceedings were as follows:

> The Chairman:(7) Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute recommended by the Committee on House Administration now printed in the reported bill as an original bill for the purpose of amendment.
>
> The Clerk read as follows:
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439c) is amended by striking out "and" after "1977" and by inserting after "1978" the follow-

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4. Sam Gibbons (Fla.).
5. 125 Cong. Rec. 28643–45, 96th Cong. 1st Sess.
6. Federal Election Campaign Act of 1971 Amendments.
7. William H. Natcher (Ky.).

ing: ", and $8,998,823 for the fiscal year ending September 30, 1980"....

THE CHAIRMAN: If there are no amendments to the committee amendment in the nature of a substitute, the Chair will recognize the gentleman from Wisconsin (Mr. Obey) to offer the amendment made in order by the rule. . . .

MR. [BILL] FRENZEL [of Minnesota]: Mr. Chairman, under the rule is it possible to offer pro forma amendments on the bill proper after the gentleman from Wisconsin and his friends have offered their amendments?

THE CHAIRMAN: The Chair would like to advise the gentleman from Minnesota (Mr. Frenzel) that pro forma amendments would be in order at that time.

§ 28.40 While normally under the five-minute rule debate on a pro forma amendment may relate either to a pending amendment in the nature of a substitute or to a perfecting amendment thereto (as not necessarily in the third degree), where a special rule permitted the offering of both perfecting amendments in the second degree and of pro forma amendments to the substitute when perfecting amendments were not pending, the Chair permitted pro forma amendments during pendency of perfecting amendments but, in response to a point of order, required that debate be related solely to the perfecting amendment.

An example of the proposition described above occurred on May 26, 1982[8] during consideration of House Concurrent Resolution 345, the first concurrent resolution on the budget. The proceedings in the Committee of the Whole were as follows:

MR. [LES] AUCOIN [of Oregon]: Mr. Chairman, I rise to strike the requisite number of words not because I intend to speak to the amendment of the gentleman from Michigan, but instead to take this time in concert with colleagues who care very much about what the Latta amendment does to housing. Not for housing, but to housing. . . .

MR. [JAMES H.] QUILLEN [of Tennessee]: Mr. Chairman, I understood we were debating the Conyers amendment, and I did not hear permission to speak out of order.

MR. AUCOIN: Mr. Chairman, my remarks go to the Latta substitute, and I believe that is pending before the committee.

THE CHAIRMAN:[9] The Chair will have to state that the matter that is pending is the Conyers amendment, and that debate should be germane to the Conyers amendment.

Parliamentarian's Note: The Chairman insisted that debate proceed in an "orderly fashion", that once a perfecting amendment was offered, debate under the five-minute rule be confined thereto, and not to one of the three underlying substitutes pending simultaneously. Separate debate on those substitutes was to be permitted only between consideration of numbered perfecting amendments.

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[8] 128 CONG. REC. 12088, 12090, 97th Cong. 2d Sess.

[9] Richard Bolling (Mo.).

§ 28.41 Where a special order permits both the offering of specified perfecting amendments in a certain order and pro forma amendments, the Chair has discretion to recognize Members to offer pro forma amendments to debate the underlying text between consideration of perfecting amendments.

On May 26, 1982,(10) the Committee of the Whole having under consideration House Concurrent Resolution 345,(11) the Chair responded to a parliamentary inquiry regarding the circumstances described above. The proceedings were as indicated below:

> MR. [HENRY A.] WAXMAN [of California]: At the appropriate time after we have completed this amendment, I will seek to strike the last word to make other comments that may be of interest to Members.
>
> MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, I have a parliamentary inquiry.
>
> THE CHAIRMAN:(12) The gentleman will state it.
>
> MR. MADIGAN: Is the procedure that has just been suggested by the gentleman from California one that would be in order?
>
> THE CHAIRMAN: The Chair will entertain pro forma amendments between amendments.
>
> MR. MADIGAN: Further pursuing my parliamentary inquiry, Mr. Chairman, how would the gentleman from California be able to be recognized to speak in behalf of something that he says he is not going to offer?
>
> THE CHAIRMAN: Between amendments, no amendment is pending. That is why a pro forma amendment presumably to one of the substitutes will be allowed. It provides an opportunity for discussion between amendments.

Pro Forma Amendments After Expiration of Time

§ 28.42 Where a limitation on debate under the five-minute rule on an amendment and all amendments thereto has expired, no further debate is in order and a Member may not gain time for debate by offering a pro forma amendment "to strike the last word."

On Aug. 2, 1978,(13) the Committee of the Whole having under

consideration H.R. 12514,(14) the above-stated proposition was illustrated as indicated below:

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(10) 128 CONG. REC. 12141, 97th Cong. 2d Sess.

(11) First concurrent resolution on the budget, fiscal 1983.

(12) Richard Bolling (Mo.).

(13) 124 CONG. REC. 23947, 23954, 95th Cong. 2d Sess.

Mr. [Clement J.] Zablocki [of Wisconsin]: Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto end at 4 o'clock.

The Chairman:(15) The question is on the motion offered by the gentleman from Wisconsin (Mr. Zablocki).

The motion was agreed to.

The Chairman: Members standing at the time the motion was made will be recognized for 1 minute and 20 seconds each. . . .

After the time had expired, another Member sought recognition.

The Chairman: For what purpose does the gentleman from California (Mr. Lagomarsino) rise?

Mr. [Robert J.] Lagomarsino [of California]: Mr. Chairman, I move to strike the last word.

The Chairman: The Chair will inform the gentleman that no further debate is in order at this time.

Limiting Debate Only on Substitute

§ 28.43 Where a substitute has been offered for an amendment in the nature of a substitute, and the Committee of the Whole limits debate on the substitute and all amendments thereto, such limitation does not apply to amendments which may be offered to the original amendment in the nature of a substitute.

On Sept. 29, 1965,(16) the following proceedings took place:

The Chairman:(17) . . . When the Committee rose there was pending a substitute amendment offered by the gentleman from California [Mr. Sisk] for the amendment in the nature of a substitute offered by the gentleman from New York [Mr. Multer].

Mr. [B. F.] Sisk: Mr. Chairman, I rise to make a unanimous-consent request.

Mr. Chairman, in order to expedite the business of the House—and after some 3 days of debate it seems to me the time has come to move along—I ask unanimous consent that all debate on the Sisk amendment and all amendments thereto close in 20 minutes. . . .

Mr. [Abraham J.] Multer: Mr. Chairman, there is an amendment to be offered to the Multer amendment. Would that come out of the time reserved for the closing of debate on the Sisk amendment, if that is offered—in other words, if someone offers an amendment to the Multer amendment?

The Chairman: The Chair will state to the gentleman from New York that as the Chair understood the request of the gentleman from California, it was that all debate on the Sisk substitute and all amendments thereto close in 20

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14. The International Security Assistance Act of 1978.

15. Don Fuqua (Fla.).

16. 111 Cong. Rec. 25426, 89th Cong. 1st Sess. Under consideration was H.R. 4644.

17. Eugene J. Keogh (N.Y.).

minutes and that, therefore, would not preclude the offering of any amendments to the amendment offered by the gentleman from New York.

Debate on Amendment in Nature of Substitute or Amendments Thereto

§ 28.44 Where there was pending an amendment in the nature of a substitute for a bill and amendments thereto, the Chair indicated in response to parliamentary inquiries: (1) that a motion to limit debate on the amendment in the nature of a substitute and all amendments thereto was in order although the bill itself had not been read; (2) that amendments printed in the Record would be debatable for 10 minutes notwithstanding the limitation; and (3) that all Members would be allocated equal time under the limitation regardless of committee membership but that Members seeking to offer amendments could be first recognized.

On June 10, 1976,(18) during consideration of a bill(19) in the Committee of the Whole, the Chair responded to several parliamentary inquiries regarding a motion to limit debate. The proceedings were as follows:

MR. [FRANK] HORTON [of New York]: Mr. Chairman, I move that all debate on the Brooks amendment and all amendments thereto end by 6 p.m. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, is there any reason for the Clerk to read? I do not remember the bill being open at any point to amendment.

THE CHAIRMAN:(20) The motion of the gentleman from New York, as the Chair understood it, was that all debate on the Brooks amendment and all amendments thereto end at 6 p.m.

MR. BAUMAN: So that the motion is in order?

THE CHAIRMAN: The motion is in order. It is limited to the Brooks amendment and amendments thereto. . . .

MR. [CLARENCE D.] LONG of Maryland: Mr. Chairman, of course I believe it is understood that this does not apply to any amendments that are printed in the Congressional Record?

THE CHAIRMAN: Under the rules of the House, it does not apply to those amendments. . . .

MR. [J. J.] PICKLE [of Texas]: Mr. Chairman, under the proposed time limitation, would the Chair tend to recognize a Member who is not a member of the committee? For instance, the gentleman from Washington (Mr. Adams) has an important amendment, and if he is not recognized within the time limitation, would the chairman of

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18. 122 CONG. REC. 17380, 17381, 94th Cong. 2d Sess.

19. H.R. 13367, a bill to amend and extend the State and Local Fiscal Assistance Act of 1972.

20. Gerry E. Studds (Mass.).

the committee let the gentleman be recognized? . . .

The Chairman: The Chair will state that under limitation of time committee members no longer have priority in seeking recognition. Time is equally allocated.

So the motion was agreed to.

The Chairman: . . . The Chair would ask that Members with amendments to be offered seek recognition first, and the Chair would request that Members attempt to address themselves to the amendments.

§ 28.45 Where there is pending an amendment in the nature of a substitute, a substitute therefor, an amendment to the original amendment and an amendment to the substitute, a Member may be recognized to debate the amendment to the substitute either prior or subsequent to the first vote on the amendment to the amendment in the nature of a substitute.

On Oct. 1, 1974,(1) the Committee of the Whole having under consideration a resolution,(2) the Chair responded to a parliamentary inquiry as described above:

Mr. [Bob] Eckhardt [of Texas]: Mr. Chairman, I have a parliamentary inquiry.

The Chairman:(3) The gentleman will state his parliamentary inquiry.

Mr. Eckhardt: Mr. Chairman, do I understand correctly that the Thompson amendment is to the Hansen substitute, and that no other amendment would be in order to that amendment in the nature of a substitute until the Thompson amendment is voted upon?

The Chairman: The Chair would like to inform the gentleman that he is correct. No additional amendments to the Hansen amendment in the nature of a substitute are in order until the Thompson amendment is voted on.

Further, the Chair would like to advise the gentleman that no additional amendments to the Martin substitute are in order until the Sullivan amendment [thereto] is voted upon. . . .

Mr. Eckhardt: Mr. Chairman, would I be protected in supporting the Sullivan amendment if I should wait and postpone asking for recognition until after the Thompson amendment has been disposed of?

The Chairman: The Chair would like to inform the gentleman that he has a choice but that he can at this time debate the Sullivan amendment, and the Chair would recognize the gentleman for that purpose.

§ 28.46 Where there was pending an amendment in the nature of a substitute, a substitute therefor and an amendment to the substitute, and debate had been limited on the substitute and all amendments thereto but not on

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1. 120 Cong. Rec. 33338, 93d Cong. 2d Sess.
2. H. Res. 988, to reform the structure, jurisdiction, and procedures of House committees.
3. William H. Natcher (Ky.).

the original amendment or amendments thereto, the Chair indicated that (1) further amendments to the substitute or modifications of the substitute by unanimous consent must await disposition of the pending amendment to the substitute; (2) amendments to the original amendment could be offered and debated under the five-minute rule and would be voted on before amendments to the substitute; (3) amendments to the substitute could be offered and voted upon without debate unless printed in the Record pursuant to Rule XXIII clause 6; and (4) the question would not be put on the substitute until all perfecting amendments to it and to the original amendment were disposed of.

On Feb. 5, 1976,(4) during consideration of H.R. 9464, the Natural Gas Emergency Act of 1976, there was pending an amendment in the nature of a substitute (the Krueger amendment); a substitute therefor (the Smith amendment); and an amendment to the substitute (the Eckhardt amendment). A unanimous-consent request was made to limit debate:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I ask unanimous consent that all debate on the Smith amendment and all amendments thereto terminate immediately upon the conclusion of consideration of the amendment offered by the gentleman from Texas (Mr. Eckhardt). . . .

There was no objection. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, as I understood it, the unanimous-consent request of the gentleman from Michigan (Mr. Dingell) was that all debate on the Smith substitute amendment cease after the disposition of the Eckhardt amendment. The Eckhardt amendment would be the pending business then, and immediately after the determination of the Eckhardt amendment, we would vote on the Smith amendment. Is that not correct? . . .

THE CHAIRMAN:(5) Not necessarily, because there could be an amendment to the Krueger amendment, which would be debatable. . . .

. . . Before we vote on the Smith substitute, amendments to the Krueger amendment are debatable if offered....

The point that the Chair is trying to make, regardless of what agreements are reached, is that until the Krueger amendment is finally perfected to the satisfaction of the Committee, the Chair cannot put the question on the Smith substitute.

MR. BROWN of Ohio: The Chair cannot put the question on the Smith amendment?

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4. 122 CONG. REC. 2646-48, 94th Cong. 2d Sess.

5. Richard Bolling (Mo.).

The Chairman: The Chair cannot put the question on the Smith substitute until the Krueger amendment is perfected to the satisfaction of the Committee.

There has been no limitation of debate on the Krueger amendment or amendments thereto. The basic parliamentary situation is that we have a substitute amendment for the amendment in the nature of a substitute, the Krueger amendment. Both of those are subject to amendment, but both must be perfected before the Chair can put the question on the substitute for the amendment in the nature of a substitute.

Mr. Brown of Ohio: With respect to the unanimous-consent request of the gentleman from Michigan (Mr. Dingell), the Eckhardt amendment is still to be voted upon, and then there are to be no other amendments to the Smith amendment?

The Chairman: There is to be no further debate on such amendments. . . .

Mr. Brown of Ohio: Mr. Chairman, if my time still applies, I would like to ask the Chair to state the circumstances. If I may, before the Chair does that, I would like to ask the question this way: As the situation stands at this moment, the Krueger amendment is still perfectable by amendments under the normal course of time, and there is no limitation on the Krueger amendment.

The Smith amendment, however, can be perfected only by the vote on the Eckhardt amendment, and then if there are other amendments to the Smith amendment there is no debate time remaining on those amendments.

Is that correct?

The Chairman: Unless they are printed in the Record.

Mr. Brown of Ohio: And if they are printed in the Record, the debate time is 5 minutes per side pro and con. Is that correct?

The Chairman: That is correct. . . .

Mr. Dingell: Mr. Chairman, it is, however, a fact that the gentleman may have an amendment at the desk and it may be voted on without debate under the unanimous-consent request?

The Chairman: That is correct.

Mr. [Robert] Krueger [of Texas]: Mr. Chairman, I have a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Krueger: Mr. Chairman, there are still those of us who are not certain of the parliamentary situation. I am among them.

Mr. Chairman, my question is this: We will vote first on the Eckhardt amendment to the Smith substitute?

The Chairman: That is right.

Mr. Krueger: Following that, there will then be a vote without further debate on the Smith substitute, or no?

The Chairman: The Chair cannot say, because if there were amendments printed in the Record, there can be both an amendment offered and debate on the amendment. If there were no amendments that were qualified for debate by being printed in the Record, they could not be offered and voted on without debate.

But if they are offered to the Krueger amendment in the nature of a substitute, they would both be considered and would be debatable under the 5-minute rule. . . .

The 5-minute rule applies only to amendments to the Smith amendment which has been printed in the Record. Other amendments to the Smith amendment do not have debate time; they are just voted on. . . .

Mr. [Benjamin A.] Gilman [of New York]: Mr. Chairman, I offer an amendment to the Krueger amendment in the nature of a substitute. My amendment has been printed in the Record.

The Clerk read as follows:

> Amendment offered by Mr. Gilman to the amendment in the nature of a substitute offered by Mr. Krueger immediately after section 26 of the Natural Gas Act (as added by section 208) insert the following:
>
> "TREATMENT OF RATES AND CHARGES FOR NATURAL GAS SOLD TO SENIOR CITIZENS
>
> "Sec. 27. (a) The Commission shall prohibit any natural-gas company from selling or otherwise supplying natural gas to any local natural gas company which increases the rates for natural gas sold to senior citizens. . . .

Mr. [Joe D.] Waggonner [Jr., of Louisiana] (during the reading): Mr. Chairman, I have a point of order.

The point of order lies to the fact that the amendment now being read is to the Krueger amendment in the nature of a substitute and is not in order until there has been a disposition of the Eckhardt amendment to the Smith substitute.

The Chairman: The Chair has stated that any amendment to the Krueger amendment in the nature of a substitute may now be offered and is debatable.

Mr. Waggonner: But, Mr. Chairman, the amendment is not in order until there has been a disposition of the Eckhardt amendment to the Smith substitute which is now under consideration.

The Chairman: This amendment takes precedence. This amendment takes precedence over the amendment to the substitute amendment. That is what the Chair has been trying to say now, repeatedly. The amendment that has precedence is an amendment to the amendment in the nature of a substitute, and this is the amendment that is now before the committee. . . .

The question is on the amendment offered by the gentleman from Texas (Mr. Eckhardt) to the amendment offered by the gentleman from Iowa (Mr. Smith) as a substitute for the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Krueger).

The question was taken; and on a division (demanded by Mr. Eckhardt) there were—ayes 33, noes 35.

So the amendment to the substitute amendment for the amendment in the nature of a substitute was rejected.

—*Limitation on Debate on Amendment in Nature of Substitute But Not on Original Text*

§ 28.47 Where there is a time limitation on debate on a pending amendment in the nature of a substitute and all amendments thereto, but not on the underlying original text, debate on perfecting amendments to the original text proceeds under the five-minute rule in the absence of another time limitation

thereon; and even where debate on the substitute was, under the limitation, to end at a time certain, the time remaining for debate may, by unanimous consent, be determined and reserved to follow disposition of the perfecting amendments, without regard to the agreed upon time certain.

An example of the situation described above occurred on Apr. 13, 1983,(6) during consideration of House Joint Resolution 13 (dealing with nuclear weapons freeze). The proceedings in the Committee of the Whole were as follows:

> Mr. [Elliott H.] Levitas [of Georgia]: Mr. Chairman, I have a perfecting amendment at the desk to section 2 of House Joint Resolution 13.
>
> The Chairman:(7) The Chair will advise that perfecting amendments to the underlying text are in order at this time while the Levitas amendment in the nature of a substitute is pending. But the Chair will also point out that if any Member is recognized to offer a perfecting amendment at this time, debate will not be limited on the perfecting amendment and the vote will first come on the perfecting amendment and on any potential amendments thereto before the question is put on the Levitas substitute. . . .
>
> Mr. [Henry J.] Hyde [of Illinois]: . . . [I]f the gentleman from Georgia's motion is granted or his request is granted, the limitation that has been set on debate would no longer prevail; is that correct?
>
> The Chairman: The Chair will advise the gentleman that the limitation of debate applies only to debate on the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. Levitas) which is now pending. . . .
>
> Mr. Levitas: Mr. Chairman, I offer a perfecting amendment.
>
> The Clerk read as follows: . . .
>
> Mr. Levitas: Mr. Chairman, I will seek recognition for debate on the amendment if I may ask a parliamentary inquiry before I do.
>
> The Chairman: The gentleman will state his parliamentary inquiry.
>
> Mr. Levitas: My parliamentary inquiry is this. The perfecting amendment which I have just offered is now available for debate under the 5-minute rule without any time constraints?
>
> The Chairman: The gentleman is correct.
>
> Mr. Levitas: The time limitation that was originally agreed to for termination of debate on the pending substitute to end at 3 o'clock, that was the focus of the time limitation.
>
> The Chairman: The gentleman is correct.
>
> Mr. Levitas: My parliamentary inquiry is this: Would it be in order to request unanimous consent to preserve the time of those Members who had time allocated to them under the original limitation so that their time would be preserved at the conclusion of the disposition of the pending amendment?

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6. 129 Cong. Rec. 8402–04, 98th Cong. 1st Sess.
7. Matthew F. McHugh (N.Y.)

The Chairman: The gentleman or any other Member could request unanimous consent for that purpose.

Mr. Levitas: A further parliamentary inquiry: Would it be in order after this amendment is explained to seek a time limitation on debate of the pending amendment?

The Chairman: That would be in order.

Mr. Levitas: Well, under the circumstances, Mr. Chairman, I will make a unanimous-consent request that after the question is put on the pending amendment, that the time remaining under the original time limitation on the substitute will be made available to the Members who have such time allocated to them. . . .

The Chairman: . . . Is there objection to the request of the gentleman from Georgia?

There was no objection.

Debate on Motion To Strike Out May Proceed Before Perfecting Amendment Is Offered

§ 28.48 **Although the motion to strike out and insert is in order while a motion to strike out is pending, when a Member's motion to strike out has been reported he is entitled to speak thereto before another Member is recognized to offer a motion to strike out and insert.**

On Sept. 30, 1965,[8] the following proceedings took place:

Mr. [James T.] Broyhill of North Carolina: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Broyhill of North Carolina: On page 38, strike out line 9 and all that follows through line 5 on page 39. . . .

Mr. [Robert J.] Corbett [of Pennsylvania]: I wish to propose a substitute for the amendment. Shall I offer that now, or after the gentleman is recognized to speak on his amendment?

The Chairman:[9] The Chair will state that the gentleman's substitute amendment [to strike and insert] will be in order and may be offered after the gentleman from North Carolina [Mr. Broyhill], has used his time.

§ 28.49 **While a motion to strike a pending portion of a bill will be held in abeyance until perfecting amendments to that portion are disposed of, a Member who has been recognized to debate his motion to strike may not be deprived of the floor by another Member who seeks to offer a perfecting amendment; after the Member so recognized has completed his five minutes in support of his motion to strike, but before the question is put on the motion to strike, the perfecting amendment may be offered and voted upon.**

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[8] 111 Cong. Rec. 25696, 89th Cong. 1st Sess. Under consideration was H.R. 10281.

[9] John H. Dent (Pa.).

On Oct. 31, 1975,(10) the Committee of the Whole having under consideration a bill,(11) the proceedings, described above, were as follows:

> MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Rousselot: Beginning on page 10, line 18, strike all that follows through page 188, line 10. . . .
>
> MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: I believe that under the rules of the House since this amendment involves a motion to strike the title, that perfecting amendments that are at the desk take precedence over such a motion to strike a title. Is that not correct?
>
> THE CHAIRMAN:(12) That is true, if any are offered.
>
> MR. ST GERMAIN: I believe there are amendments pending.
>
> MR. [JOHN JOSEPH] MOAKLEY [of Massachusetts]: Mr. Chairman, I might state that I was standing when the Chairman recognized the gentleman from California (Mr. Rousselot), and I have a perfecting amendment at the desk.
>
> THE CHAIRMAN: The Chair will state that the amendment offered by the gentleman from California, Mr. Rousselot, is pending now, and that the gentleman from California has been recognized. The gentleman may offer his perfecting amendment after the gentleman from California has completed his five minutes in support of his amendment to strike.

Debate Where Amendment Is Offered, Withdrawn, and Then Reoffered

§ 28.50 Upon reintroduction of an amendment that has, by unanimous consent, been withdrawn in the Committee of the Whole, the Member is entitled to debate his amendment for a second five-minute period.

On May 3, 1956,(13) the following exchange took place:

> MR. [NOAH M.] MASON [of Illinois]: Under the rules of the House does a man get two 5-minute discussions of the same amendment?
>
> THE CHAIRMAN:(14) The gentleman withdrew his amendment, and it has been offered again. The gentleman from Maine is recognized for 5 minutes in support of his amendment.

Debate After Adoption of Substitute to Amendment

§ 28.51 Under the five-minute rule, no debate may intervene after a substitute for an amendment has been adopted and before the vote on the amend-

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10. 121 CONG. REC. 34564, 34565, 94th Cong. 1st Sess.
11. H.R. 10024, Depository Institutions Amendments of 1975.
12. Spark M. Matsunaga (Ha.).
13. 102 CONG. REC. 7439, 84th Cong. 2d Sess. Under consideration was H.R. 10875, the Soil Bank Act of 1956.
14. J. Percy Priest (Tenn.).

ment as amended, except by unanimous consent, since the amendment has been amended in its entirety and no further amendments including pro forma amendments are in order.

An example of the proposition described above occurred on Oct. 18, 1983,(15) during consideration of H.R. 3231.(1) The proceedings in the Committee of the Whole were as follows:

The Chairman Pro Tempore:(2) The question is on the amendment offered by the gentleman from Washington (Mr. Bonker), as amended, as a substitute for the amendment offered by the gentleman from Wisconsin (Mr. Roth), as amended. . . .

Mr. [Toby] Roth [of Wisconsin]: Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 173, answered "present" 1, not voting 19, as follows. . . .

So the amendment, as amended, offered as a substitute for the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

Mr. [Edwin V.W.] Zschau [of California]: Mr. Chairman, I move to strike the last word.

The Chairman Pro Tempore: Without objection, the gentleman from California (Mr. Zschau) is recognized for 5 minutes.

There was no objection.

Debate on Remaining Portions of Divisible Amendment

§ 28.52 Where the question has been put on the first portion of a divisible amendment, further debate on the remaining portion may be had under the five-minute rule before the Chair puts the question thereon.

On Aug. 4, 1983,(3) the Committee of the Whole having under consideration H.R. 2230,(4) the above-stated proposition was illustrated as indicated below:

Mr. [Don] Edwards of California: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Edwards of California: Page 2, line 2, insert "(a)" after "Sec. 2".
>
> Page 2, line 4, strike out "1998" and insert "1988" in lieu thereof.
>
> Page 2, after line 4, insert the following:
>
> "(b) Section 104(c) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(c)) is amended by adding at the end the following: "During the period which begins on the date of the enactment of the Civil Rights Commission Act of 1983 and ends on September 30, 1988, the President

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(15) 129 Cong. Rec. 28185, 98th Cong. 1st Sess.

(1) Export Administration Act Amendments of 1983.

(2) George E. Brown, Jr. (California).

(3) 129 Cong. Rec. 23134, 23142, 23143, 98th Cong. 1st Sess.

(4) The Civil Rights Commission Act of 1983.

may remove a member of the Commission only for neglect of duty or malfeasance in office.".

MR. [JAMES F.] SENSENBRENNER [Jr., of Wisconsin]: Mr. Chairman, pursuant to the rule, I demand a division of the question. . . .

THE CHAIRMAN:(5) The Chair would point out to the gentleman that the amendment really contains three parts, the second being, on page 2, line 4, to strike out "1998" and insert "1988".

The first part is, on page 2, line 2, to insert "(a)" after "Sec. 2."

Then the third part is the insertion of a new subsection (b) dealing with the removal of commissioners before the term of office.

The Chair would propose to put the question first only on the date change, and then on the remainder of the amendment which constitutes in effect one proposition. . . .

The question now is on that portion of the amendment offered by the gentleman from California (Mr. Edwards) dealing with the date change from "1998" to "1988.". . .

[The portion of the amendment dealing with the date change from "1998" to "1988" was agreed to.]

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I understand the vote that was just taken was on the first part of a divided question. My inquiry is: Is it in order at this time for there to be any further debate on the second portion of the question that has been divided?

THE CHAIRMAN: The Chair will advise the gentleman that further debate would be in order under the 5-minute rule until the Chair puts the question.

MR. LEVITAS: Mr. Chairman, I move to strike the requisite number of words.

Debate Under Reservation of Objection

§ 28.53 Unanimous consent is not required to adopt an amendment to a pending amendment, and the Chair may decline to permit debate to proceed under a reservation of objection to such unanimous-consent request and require debate to proceed under the five-minute rule.

On Feb. 24, 1977,(6) the Committee of the Whole having under consideration H.R. 11,(7) an amendment was offered to a pending amendment. The proceedings, described above, were as follows:

MR. [PARREN J.] MITCHELL of Maryland: Madam Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Mitchell of Maryland: Page 2, line 23, insert "(1)" immediately before "Notwithstanding."
>
> Page 3, line 7, strike out the quotation marks and the period immediately following the quotation marks.

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5. Morris K. Udall (Arizona).

6. 123 CONG. REC. 5327, 5329, 5330, 95th Cong. 1st Sess.

7. Local Public Works Capital Development and Investment Act Amendments.

> Page 3, immediately after line 7, add the following:
>
> "(2) Notwithstanding any other provision of law, no grant shall be made under this Act for any local public works project unless at least 10 per centum of the dollar volume of each contract shall be set aside for minority business enterprise. . . .

MR. [ROBERT A.] ROE [of New Jersey]: Madam Chairman, I offer an amendment to the amendment offered by the gentleman from Maryland (Mr. Mitchell) and ask unanimous consent that it be adopted.

MR. [WILLIAM H.] HARSHA [of Ohio]: Madam Chairman, reserving the right to object, I would like to know exactly the language of the gentleman's amendment.

The Clerk read as follows:

> Amendment offered by Mr. Roe to the amendment offered by Mr. Mitchell of Maryland: In lieu of the Mitchell amendment insert the following:
>
> Page 3, in lieu of the matter proposed to be inserted after line 7, insert the following:
>
> "(2) Except to the extent that the Secretary determines otherwise, no grant shall be made under this Act for any local public works project unless the applicant gives satisfactory assurance to the Secretary that at least 10 per centum of the amount of each grant shall be expended for minority business enterprises. For purposes of this paragraph, the term 'minority business enterprises' means a business at least 50 percent of which is owned by minority group members. . . .

THE CHAIRMAN:[8] Is there objection to the unanimous-consent request of the gentleman from New Jersey to amend the amendment offered by the gentleman from Maryland?

MR. HARSHA: Madam Chairman, reserving the right to object, I want to try to clarify this. . . .

THE CHAIRMAN: Rather than proceed under the gentleman's reservation of objection, the Chair will treat the amendment offered by the gentleman from New Jersey to the amendment offered by the gentleman from Maryland as pending and proceed under the 5-minute rule, so that debate can then take place in the proper way. . . .

MR. ROE: Is it possible for others who desire to do so to reserve the right to object?

THE CHAIRMAN: The Chair will put the question on the amendment offered by the gentleman from New Jersey to the amendment offered by the gentleman from Maryland, unless further Members desire to debate the issue under the 5-minute rule.

The gentleman from New Jersey (Mr. Roe) is recognized for 5 minutes on his amendment. . . .

MR. [JAMES J.] HOWARD [of New Jersey]: Madam Chairman, I would ask the Chair if unanimous consent was granted for the amendment offered by the gentleman from New Jersey to be before the House.

THE CHAIRMAN: That was not necessary. It is still an amendment to an amendment which is pending business to be voted on by the committee.

Separate Debate Time on Points of Order

§ 28.54 The proponent of an amendment against which a

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[8] Barbara Jordan (Tex.).

point of order has been reserved may not reserve a portion of his time under the five-minute rule to oppose any points of order if made, as separate debate time is permitted on points of order at the discretion of the Chair.

When the Committee of the Whole is proceeding under the five-minute rule, debate on points of order against an amendment is within the discretion of the Chair and does not come out of the debate time allotted as to the merits of the amendment. Thus, on Aug. 1, 1975,(9) the Chair(10) indicated that it was not necessary to reserve debate time to address a point of order:

Mr. [Clarence J.] Brown of Ohio: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Brown of Ohio: Strike out Title III, as amended, and reinsert all except for Section 301, as amended.

Mr. [John D.] Dingell [of Michigan]: Mr. Chairman, I reserve a point of order against the amendment. . . .

Mr. Brown of Ohio: Mr. Chairman, the thrust of this amendment is to strike from the bill the provisions of the Staggers pricing amendment, section 301, by revising title III to strike the whole title and to reinsert all in the title, except section 301.

Mr. Chairman, may I speak on the amendment?

The Chairman: The gentleman has been recognized for 5 minutes, so the gentleman may proceed.

Mr. Brown of Ohio: Mr. Chairman, may I reserve 2 minutes of my time to speak on the points of order?

The Chairman: The Chair will recognize the gentleman to speak on the points of order at the appropriate time.

Mr. Dingell: Mr. Chairman, I have not yet made the point of order. I reserved it.

The Chairman: The Chair has recognized the gentleman from Ohio to speak on the gentleman's amendment for 5 minutes. Then the gentlemen who reserved the points of order may press them or they may not.

Unanimous-Consent Requests Charged Against Remaining Time

§ 28.55 Where debate is limited by motion to a time certain, parliamentary inquiries and unanimous-consent requests made pending the motion or after it is agreed to come out of the total remaining time, and can be extended only by unanimous consent.

The proposition stated above was the basis of the following proceeding, which occurred on Oct. 3, 1985,(11) during consideration of

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9. 121 Cong. Rec. 26945, 94th Cong. 1st Sess. Under consideration was H.R. 7014, Energy Conservation and Oil Policy Act of 1975.

10. Richard Bolling (Mo.).

11. 131 Cong. Rec. 25986, 25995, 99th Cong. 1st Sess.

H.R. 2100[12] in the Committee of the Whole:

Mr. [Walter B.] Jones of North Carolina: Mr. Chairman, I move that, for all amendments introduced and those pending, all debate on this particular section of cargo preference shall end at 4:45.

The Chairman:[13] Is the gentleman moving to limit debate on section 1141 and all amendments thereto?

Mr. Jones of North Carolina: Only those pertaining to cargo preference, Mr. Chairman.

The Chairman: Would that include new sections following section 1141?

Mr. Jones of North Carolina: Yes, Mr. Chairman. I am confining my motion to cargo preference, the two amendments pending and those anticipated, and I had in mind the gentleman's amendments when I added 15 minutes to the original request. . . .

Mr. [Doug] Bereuter [of Nebraska]: Since I have six or seven amendments that would be covered by the chairman's motion, Mr. Chairman, do I then have, outside of this time limit, 5 minutes for discussion, or 10 minutes in the case of opposition? And the time for votes, does that come outside of the 1 hour or within?

The Chairman: If the amendments have not been offered within the timeframe which the gentleman from North Carolina has suggested, then the gentleman from Nebraska (Mr. Bereuter) would have 5 minutes in support of each amendment, if they have been printed in the Congressional Record, and 5 minutes in opposition also. . . .

Mr. [Glenn] English [of Oklahoma]: Mr. Chairman, would it be proper under the procedures of the House for a limitation upon the English-Roberts-Smith proposals to end at, say, 4:30, and any other amendments that may arise to end by 5:00?

The Chairman: Overall time can be limited by motion. Allocation of time may be made under a unanimous-consent request. . . .

The gentleman can move to limit debate on the Smith amendment and all amendments thereto.

The question is on the motion offered by the gentleman from North Carolina (Mr. Jones).

The question was taken; and on a division (demanded by Mr. Bereuter) there were—ayes 39, noes 12.

So the motion was agreed to.

The Chairman: The gentleman from North Carolina [Mr. Jones] still has the time.

Mr. [Eligio] de la Garza [II, of Texas]: Mr. Chairman, will the gentleman from North Carolina yield?

Mr. Jones of North Carolina: I yield to the gentleman from Texas.

Mr. de la Garza: Mr. Chairman, I ask the gentleman to yield for the purpose of making a parliamentary inquiry as to how the time will be apportioned.

The Chairman: The Chair is unclear as to how many Members are interested in speaking on this amendment, although he has an idea, and will continue under the 5-minute rule unless there can be some agreement reached that the time should be apportioned among those Members who are standing as the Chair speaks. The Chair has the authority to do that, and it would be, I think, fair to the committee members that the Chair allocate that time to members standing.

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[12] The Food Security Act of 1985.

[13] David E. Bonior (Mich.).

MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, I have a unanimous-consent request.

Mr. Chairman, I ask unanimous consent that the time that has just been allotted by the successful motion be divided equally between the Merchant Marine and Fisheries Committee and the Agriculture Committee, and that the time allocated to each be divided equally between the majority and the minority.

THE CHAIRMAN: Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE CHAIRMAN: The gentleman from Texas [Mr. de la Garza] and the gentleman from North Carolina [Mr. Jones] will each have 15 minutes if they desire to control such time, and the gentleman from Illinois [Mr. Madigan] and the gentleman from New York [Mr. (Norman F.) Lent] will each have 15 minutes. . . .

MR. JONES of North Carolina: Mr. Chairman, it seems according to the official timer that we are down to 3½ minutes. According to my records, we have approximately 7 minutes. I understand that during the debate on the time limitation, that that was charged to me, to our side.

THE CHAIRMAN: The Chair would point out to his dear colleague and friend, the gentleman from North Carolina, that what was charged were these unanimous-consent requests. The reason they were charged is that under the motion that the gentleman made, the time expires at 4:45. In order for us to fulfill the 15-minute requirement, the Chair had to take the time out of that.

If the gentleman asks to extend the time the Chair can do that by unanimous consent.

Special Rule Providing for Five-Minute Vote on Amendments After Recorded Vote Ordered

§ 28.56 Where a special order governing consideration of a bill in Committee of the Whole provided that the Chairman could announce after a recorded vote had been ordered that he would reduce to not less than five minutes the period of time in which a recorded vote by electronic device, if ordered, would be taken on any amendment which was to be voted on without further debate immediately following that 15-minute vote, the Chair indicated that, if Members reserved debate time on such amendment, he would be unable to order a five-minute vote on the amendment, since debate could intervene between the votes.

On May 4, 1983,(14) during consideration of House Joint Resolu-

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14. 129 CONG. REC. 11063, 98th Cong. 1st Sess.

tion 13, calling for a mutual and verifiable freeze on and reductions in nuclear weapons, there were pending an amendment to an amendment, and an amendment to a substitute therefor. The Chairman(15) stated:

THE CHAIRMAN: The Chair will advise the Members that with respect to the time for voting, if any time is reserved on a second amendment on which a recorded vote is ultimately ordered, the Chairman does not have the discretion to order that to be taken within 5 minutes unless all debate has been used.

So the Chair would inquire of the gentleman from Illinois, with respect to the second Zablocki amendment on which a . . . vote will occur, does the gentleman choose to use at this time the 1 minute remaining in opposition to that Zablocki amendment? . . .

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I have a parliamentary inquiry.

Mr. Chairman, is my understanding correct that if the time that is reserved is not yielded back, we cannot have a 5-minute vote on the amendment?

THE CHAIRMAN: The Chair has discretion under the rule to order a 5-minute vote on a subsequent amendment only if there is no intervening debate, so the Chair would be unable to order a 5-minute vote on a subsequent amendment if a recorded vote is ordered on the first amendment, if any Member has reserved his time on the subsequent amendment which is pending, because then there would be intervening debate.

MR. ZABLOCKI: A further parliamentary inquiry, Mr. Chairman.

After the vote, if there is a reservation of time and those who have reserved their time have yielded back, could we then have a 5-minute vote?

THE CHAIRMAN: No; the Chair would have to order the 5-minute vote in advance.

MR. ZABLOCKI: Mr. Chairman, did I understand that the gentleman from Illinois (Mr. Hyde) reserved his time?

THE CHAIRMAN: The Chair will advise that the gentleman from Illinois (Mr. Hyde) has reserved his 1 minute remaining on the second Zablocki amendment, that is, the Zablocki amendment to the Courter substitute, which would be the second vote taken. So the answer is, yes, he has reserved his 1 minute.

Offering Amendment in Time Yielded for Debate

§ 28.57 An amendment may not be offered in time yielded for debate only.(16)

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15. Matthew F. McHugh (N.Y.).

16. See § 13.1, supra.

F. EFFECT OF CONSIDERATION OR ADOPTION; CHANGES AFTER ADOPTION

§ 29. Introduction; Adoption of Perfecting Amendment, Generally

Generally, it is not in order to amend an amendment previously agreed to.(17) Nor is it in order to re-offer an amendment previously agreed to, or rejected (see § 35, infra), but to be precluded, an amendment must be practically identical to the proposition previously considered.(18) And the concept embodied in an amendment can be addressed by a subsequent amendment, although such language may be inconsistent with the earlier amendment previously agreed to.(19)

So while it is not in order to strike out an amendment already agreed to, it is in order by way of amendment to strike out a greater substantive part of a paragraph which includes the adopted amendment.(1) Similarly, an amendment proposing to strike out a section which has been partially perfected is in order.(2) Moreover, after a section has been partially perfected by amendments, it is in order to move to strike such section as amended and insert a new one therefor.(3) And it is in order to propose as an amendment for an entire section, by way of a motion to strike out and insert, an amendment inserting the same section with modifications and omitting amendments to the section that have been previously agreed to.(4)

In fact, it is in order to propose an amendment in the nature of a substitute for a bill and thereby omit amendments to the bill that have been previously agreed to by the Committee of the Whole.(5)

Identical Language

§ 29.1 In order for an amendment to be ruled out of order on the ground that the substance contained therein has already been passed upon by the House, the language thereof must be practically identical to that of the proposition already passed upon.

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17. See § 29.2, infra.
18. See § 29.1, infra.
19. See §§ 29.21 et seq., infra.
1. See § 17.31, supra.
2. See § 17.29, supra.
3. See § 16.14, supra.
4. See § 16.14, supra.
5. See § 32.14, supra.

On Feb. 9, 1937,(6) the following proceedings took place:

Amendment offered by Mr. [Frank] Crowther [of New York]: . . .

Mr. [Jere] Cooper [of Tennessee]: Mr. Chairman, I make a point of order against the amendment. The subject matter has already been covered by amendments previously acted upon in the consideration of the bill. . . .

. . . There is no substantive difference between this amendment and language heretofore incorporated in amendments previously offered and considered.

The Chairman:(7) . . . In the opinion of the Chair this amendment is not at all identical with amendments of a similar character which have been considered by the Committee this afternoon. There may or may not be a substantial difference, but the Chair has no manner or means of making a decision on that point at this time. The gentleman from New York [Mr. Crowther] does not offer an identical amendment to one previously considered; therefore, in the opinion of the Chair, the amendment is in order.

Amendment to Amendment Previously Agreed To

§ 29.2 It is not in order to amend an amendment previously agreed to, nor is it in order to amend text already stricken by adoption of an earlier amendment.

On June 22, 1961,(8) the following proceedings took place:

The Clerk read as follows:

TITLE I—NEW HOUSING PROGRAMS

Housing for moderate-income families

Sec. 101. (a) Section 221 of the National Housing Act is amended by—

(1) inserting before the text of such section a section heading as follows: . . .

(2) striking out subsection (a) and inserting in lieu thereof the following: . . .

Mr. [Albert] Rains [of Alabama]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

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6. 81 Cong. Rec. 1061, 75th Cong. 1st Sess. Under consideration was H.J. Res. 96, relating to foreign trade agreements. See also 81 Cong. Rec. 9272, 75th Cong. 1st Sess., Aug. 18, 1937, where the Chairman, Jere Cooper (Tenn.), seemed to indicate that, while it is not in order to consider the same amendment twice, any change in the language of an amendment will preclude its being ruled out of order as having already been considered. The question arose with respect to a contention that a proffered amendment was, in effect and meaning, a repetition of one already before the Committee of the Whole.

   And see 88 Cong. Rec. 6213, 77th Cong. 2d Sess., July 15, 1942.

7. James M. Mead (N.Y.).

8. 107 Cong. Rec. 11093, 11097, 11101, 87th Cong. 1st Sess. Under consideration was H.R. 6028.

   See also 115 Cong. Rec. 26586, 26588, 91st Cong. 1st Sess., Sept. 23, 1969; and 112 Cong. Rec. 18411, 89th Cong. 2d Sess., Aug. 5, 1966.

> Amendment offered by Mr. Rains: Page 58, strike out line 7 and all that follows down through page 70, line 5, and insert the following:
>
> "HOUSING FOR MOLERATE INCOME FAMILIES
>
> "Sec. 101. (a) Section 221 of the National Housing Act is amended by—
>
> "(1) inserting before the text of such section a section heading as follows: . . .
>
> "(2) striking out subsection (a) and inserting in lieu thereof the following: . . ."

THE CHAIRMAN:[9] The question recurs on the amendment offered by the gentleman from Alabama.

The amendment was agreed to. . . .

The Clerk read as follows:

> Amendment offered by Mr. [Gordon L.] McDonough [of California]: On page 60, lines 7 through 9, strike out "a public body or agency other than a public housing agency."

MR. RAINS: Mr. Chairman, I make a point of order against the amendment on the ground that we have already passed the section. This is part of title I.

THE CHAIRMAN: That section has been stricken, and an amendment would be out of order.

The amendment was offered to a section which was stricken by the amendment offered by the gentleman from Alabama, which has now been adopted by the Committee. The amendment, therefore, is out of order. . . .

MR. McDONOUGH: Does the language which was inserted as the result of the amendment include the language that was previously in the bill in reference to the public bodies?

THE CHAIRMAN: That is not within the knowledge of the Chair. The Chair does not know.

MR. McDONOUGH: If the Chair please, if it is, I think my amendment would be in order.

THE CHAIRMAN: The Chair rules that an amendment offered to insert language which has now been changed is out of order. If the gentleman has an amendment to offer to the amendment offered by the gentleman from Alabama, that also is out of order. . . .

MR. [EDWARD J.] DERWINSKI [of Illinois]: If we have adopted a complete substitute are not amendments in order to any language in the substitute?

THE CHAIRMAN: Not at this time. . . . The amendment offered by the gentleman from Alabama has now been adopted.

§ 29.3 When a perfecting amendment is agreed to, further amendment of text stricken by that amendment is not in order.

On Apr. 18, 1962,[10] the following proceedings took place:

The Clerk read as follows:

> TITLE IV
>
> Research, Development, Test, and Evaluation, Army
>
> For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law,

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[9] Hale Boggs (La.).

[10] 108 CONG. REC. 6913, 6914, 87th Cong. 2d Sess. Under consideration was H.R. 11289.

$1,317,000,000, to remain available until expended.

Mr. [Elford A.] Cederberg [of Michigan]: Mr. Chairman, I offer three amendments, and I ask unanimous consent that they be considered en bloc.

The Chairman:(11) Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk will report the three amendments.

The Clerk read as follows:

> Amendments offered by Mr. Cederberg, of Michigan:
>
> On page 28, line 2, strike out "$1,317,000,000" and insert in lieu thereof "$1,318,000,000."
>
> On page 28, line 16, strike out "$3,480,900,000" and insert in lieu thereof "$3,483,900,000."
>
> On page 49, strike out lines 18 through 22. . . .

Mr. [Samuel S.] Stratton [of New York]: Mr. Chairman, I offer a substitute amendment to the amendment offered by the gentleman from Michigan [Mr. Cederberg].

The Clerk read as follows:

> Amendment offered by Mr. Stratton as a substitute to the amendment offered by the gentleman from Michigan [Mr. Cederberg]: Page 49, line 21, strike out "15" and insert "30.". . .

Mr. Stratton: There is a question regarding the parliamentary situation, since the amendments are proposed en bloc with respect to section 540 and other sections, and there is some question as to whether, in the event the Cederberg amendment is defeated, section 540 would still be properly open to amendment.

Mr. [Walter H.] Judd [of Minnesota]: Mr. Chairman, a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Judd: Mr. Chairman, if the amendment offered by the gentleman from Michigan [Mr. Cederberg] is voted on and defeated, will not the gentleman from New York [Mr. Stratton] then be in order to offer his amendment changing 15 percent to 30 percent?

The Chairman: The Chair will state that in his opinion at the time the bill was read the gentleman from New York could at that point offer his amendment, which is now offered as a substitute.

Mr. Judd: Then I would suggest to my colleague from New York that to withdraw his amendment will give us a chance to clarify the matter, by permitting us to vote on the Cederberg amendment first, and then on his amendment if that amendment is not adopted.

Mr. Stratton: In view of the ruling of the Chair, and as I understand it, the Chair ruled that my substitute amendment would still be in order, I will be glad to withdraw my amendment and will support the amendment of the gentleman from Michigan.

However, my impression is that we do not have the votes.

The Chairman: The Chair will state that in his opinion the amendment of the gentleman from New York [Mr. Stratton], would be in order only in the event that the Cederberg amendment, which is now pending, is voted down.

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11. Eugene J. Keogh (N.Y.).

Mr. Stratton: That was my understanding of the ruling, Mr. Chairman, and with that assurance I ask unanimous consent that the substitute amendment be withdrawn.

The Chairman: Is there objection to the request of the gentleman from New York?

There was no objection.

Similarly, it has been held that when an amendment to a substitute amendment has been adopted, the provisions inserted by the amendment cannot be further amended.(12)

§ 29.4 The Chairman indicated that if a point of order were raised at the proper time to an amendment proposing to amend an amendment already agreed to, it would be sustained by the Chair (based on the principle that a figure changed by amendment cannot be thereafter amended).

On June 28, 1967,(13) the following proceedings took place:

Amendment offered by Mr. [Richard L.] Roudebush [of Indiana]: On page 1, line 5, strike out the amount "$4,992,182,000" and insert in lieu thereof the amount "$4,982,182,000"....

Mr. [Joseph E.] Karth [of Minnesota]: Mr. Chairman, my inquiry is whether or not the figure on line 5, page 1, can be further amended inasmuch as it has already been amended?

The Chairman:(14) The Chair will state, if a timely point of order is made, the Chair will respond to the gentleman's parliamentary inquiry that line 5 on page 1 cannot be amended.

§ 29.5 To a pending committee amendment to a bill being considered in Committee of the Whole there may be offered an amendment and a substitute, but if the committee amendment is agreed to it is not then subject to further amendment.

On June 1, 1972,(15) the following proceedings took place:

Mr. [Joe D.] Waggonner [Jr., of Louisiana]: Mr. Chairman, if the committee amendment is adopted, is it then possible to amend the committee amendment with regard to that portion of the bill having to do with the pending committee amendment?

The Chairman:(16) If the committee amendment is agreed to, it is not subject to further amendment. . . .

Mr. Waggonner: Is a substitute to the committee amendment in order at this point?

The Chairman: An amendment to the committee amendment or a substitute is in order.

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12. See § 31.17, infra.

13. 113 Cong. Rec. 17754, 90th Cong. 1st Sess. Under consideration was H.R. 10340.

14. John J. Flynt (Ga.).

15. 118 Cong. Rec. 19458, 92d Cong. 2d Sess. Under consideration was H.R. 13918.

16. Robert N. Giaimo (Conn.).

§ 29.6 An amendment cannot directly change text previously changed by the adoption of a committee amendment.

On June 18, 1969,(17) the following exchange took place:

> MR. [BROCK] ADAMS [of Washington]: Mr. Chairman, if the amendments are adopted that are the committee amendments to the bill, then would amendments by Members be in order to those sections that were amended?
>
> THE CHAIRMAN:(18) They would be unless they amended the committee amendment.

Amendments Changing Amendments Previously Agreed To En Bloc

§ 29.7 Where, pursuant to a special order, amendments en bloc to several titles of a bill have been agreed to, a further amendment which would (1) amend portions of the amendments already agreed to en bloc or (2) amend unamended portions of a previous title already passed in the reading is not in order, the bill not being open to amendment at any point.

On July 12, 1983,(19) it was illustrated that, while it may be in order to offer an amendment to the pending portion of a bill which not only changes a provision already amended but also changes an unamended pending portion of the bill, it is not in order merely to amend portions of a bill that have been changed by amendment or to amend unamended portions that have been passed in the reading and are no longer open to amendment. While title III of the committee amendment in the nature of a substitute was under consideration, the proceedings in the Committee of the Whole were as follows:

> MR. [STEVE] BARTLETT [of Texas]: Mr. Chairman, I offer an amendment.
>
> THE CHAIRMAN:(20) The Chair wishes to inquire of the gentleman from Texas, is the gentleman from Texas offering these amendments en bloc?
>
> MR. BARTLETT: These amendments are not offered en bloc, Mr. Chairman. . . .
>
> THE CHAIRMAN: Could the gentleman from Texas identify which amendment it is?
>
> MR. BARTLETT: The amendment begins, "Strike out the item agreed to in the amendment relating to page 50, line 3, of the bill."
>
> THE CHAIRMAN: The Clerk will report the amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Bartlett: Strike out the item agreed to in the amendment offered by Mr. Gon-

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17. 115 CONG. REC. 16275, 91st Cong. 1st Sess. Under consideration was H.R. 6543.
18. Jack Brooks (Tex.).
19. 129 CONG. REC. 18771, 98th Cong. 1st Sess.
20. Norman Y. Mineta (Calif.).

zalez relating to page 50, line 3, of the bill and insert in lieu thereof the following item:

Page 50, line 3, strike out "$729,033,000" and insert in lieu thereof "$549,949,000".

Strike out the item agreed to in the amendment offered by Mr. Gonzalez relating to page 50, line 8, of the bill. . . .

Page 106, strike out line 17 and all that follows through page 117, line 22 [striking title III]. . . .

Strike out the item agreed to in the amendment offered by Mr. Gonzalez relating to page 106, line 3, of the bill.

Strike out the item agreed to in the amendment offered by Mr. Gonzalez relating to page 106, line 8, of the bill.

Strike out the item agreed to in the amendment offered by Mr. Gonzalez relating to page 117, lines 19 through 22, of the bill. . . .

Mr. [Henry B.] Gonzalez [of Texas]: Mr. Chairman, I make a point of order against the amendment. . . .

In the first place, this amendment attempts to perfect and change the provisions of the bill that have already been perfected under my amendment by nature of a substitute, the amendment previously approved by the committee. As such I believe the amendment is not in order and I raise a point of order against it.

In addition, the amendment attempts to amend title II which has already been passed in the reading and, therefore, for those two basic reasons I wish to interject this point of order against the pending amendment. . . .

Mr. Bartlett: Mr. Chairman, I would comment that my amendment is broader in scope than the Gonzalez amendment as it would strike all of title III and strike section 231 of the bill which relates to the 235 assistance, and my amendment is broader in scope than merely the previously adopted Gonzalez amendment.

The Chairman: With one exception, and that is the portion of the amendment that begins on page 106 striking title III, these amendments en bloc seek either to amend portions of the Gonzalez amendment already agreed to en bloc or to amend unamended portions of the bill contained in title I and title II which have been passed in the reading.

Thus since the bill is not open at any point, the amendments en bloc are not in order and the Chair sustains the point of order.

Are there further amendments to title III?

If not, the Clerk will designate title IV.

Amendment to Part of Bill Previously Amended

§ 29.8 The text of a bill perfected by amendment cannot thereafter be amended.

On Feb. 7, 1964,(1) the following proceedings took place:

Mr. [James] Roosevelt [of California]: I make the parliamentary inquiry, Mr. Chairman, to find out whether, if the amendment of the gentleman from Arkansas is adopted, that then becomes open to amendment.

The Chairman:(2) Not after it is adopted.

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1. 110 Cong. Rec. 2489, 88th Cong. 2d Sess. Under consideration was H.R. 7152.
2. Eugene J. Keogh (N.Y.).

§ 29.9 While it is not in order to amend an amendment already agreed to, the adoption of a perfecting amendment to a section does not preclude the offering of further perfecting amendments to other portions of the section or amendments broader in scope encompassing other portions of the section as well as the perfected portion.

On Dec. 13, 1973,(3) the following statement was made by the Chair:

> THE CHAIRMAN:(4) What the situation is—and the Chair has tried to state this situation clearly a time or two before—if an amendment to a section is adopted, then that constitutes final action on that particular piece of that section and that particular amendment cannot be further amended. But if then there is an amendment offered to another part of that section, that amendment might well be in order. But the basic point is that the committee cannot amend something that has just been adopted. In other words, if there is an amendment to a section which affects the language of a portion of that section, if that is adopted then that concludes the matter with regard to the language changed in that portion of that section; but if there are other portions of that section which are not affected by that amendment then they are still open to amendment. A further amendment broader in scope than that adopted would still be in order.

—Entire Section Rewritten

§ 29.10 The Chair may refuse to recognize a Member to offer an amendment to a section after that section has been changed in its entirety by amendment.

On June 22, 1961,(5) the following proceedings took place:

> The Clerk read as follows:
>
> TITLE I—NEW HOUSING PROGRAMS
>
> *Housing for moderate-income families*
>
> Sec. 101. (a) Section 221 of the National Housing Act is amended by—
>
> (1) inserting before the text of such section a section heading as follows: . . .
>
> The Clerk read as follows:
>
> Amendment offered by Mr. [Albert] Rains [of Alabama]: Page 58, strike out line 7 and all that follows down through page 70, line 5, and insert the following: . . .
>
> THE CHAIRMAN:(6) The question recurs on the amendment offered by the gentleman from Alabama.
>
> The amendment was agreed to.

In response to inquiries about the effect of adoption of the Rains amendment, the Chairman stated:

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3. 119 CONG. REC. 41261, 93d Cong. 1st Sess. Under consideration was H.R. 11450.
4. Richard Bolling (Mo.).
5. 107 CONG. REC. 11093, 11097, 11100, 11101, 87th Cong. 1st Sess. Under consideration was H.R. 6028.
6. Hale Boggs (La.).

. . . The gentleman from Alabama moved to substitute the entire language in section 101, and the House has now done just that, so amendments thereto are out of order.

Subsequently, the following exchange took place:(7)

Mr. [John V.] Lindsay [of New York]: Mr. Chairman, I offer an amendment.

The Chairman: The Chair has just ruled that all amendments to section 101 are out of order.

—Second Amendment Broader in Scope

§ 29.11 An amendment striking out an entire section and inserting new text is in order if it makes germane changes in the section, and it may displace perfecting amendments which have been adopted to portions of that section which are less comprehensive in scope.

On July 22, 1974,(8) during consideration in the Committee of the Whole of the bill H.R. 11500, Surface Mining Control and Reclamation Act of 1974, the following proceedings occurred:

Mrs. [Patsy T.] Mink [of Hawaii]: Mr. Chairman, I offer an amendment as a substitute for section 211 of the committee amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment offered by Mrs. Mink to the committee amendment in the nature of a substitute: On page 184, line 10, strike entire section 211 and insert the following new section 211:
>
> ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS
>
> Sec. 211. (a) Any permit issued under any approved State or Federal program pursuant to this Act to conduct surface coal mining operations shall require that such surface coal mining operations will meet all applicable performance standards of this Act, and such other requirements as the regulatory authority shall promulgate.
>
> (b) General performance standards shall be applicable to all surface coal mining and reclamation operations and shall require the operator as a minimum to—
>
> (1) conduct surface coal mining operations so as to maximize the utilization and conservation of the solid fuel resource being recovered so that reaffecting the land in the future through surface coal mining can be minimized;
>
> (2) restore the land affected to a condition at least fully capable of supporting the uses which it was capable of supporting prior to any mining, or higher or better uses of which there is a reasonable likelihood, so long as such use or uses do not present any actual or probable hazard to public health or safety or pose any actual or probable threat of water diminution or pollution, and the permit applicants' declared proposed land use following reclamation is not deemed to be impractical or unreasonable, inconsistent with applicable land use policies and plans, involves unreasonable delay in im-

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7. 107 Cong. Rec. 11102, 87th Cong. 1st Sess.

8. 120 Cong. Rec. 24594, 24596, 93d Cong. 2d Sess.

plementation, or is violative of Federal, State, or local law;

(3) assure that any temporary environmental damage will be contained in the permit area . . .

(10) refrain from the construction of roads or other access ways up a stream bed or drainage channel or in such proximity to such channel so as to seriously alter the normal flow of water;

(11) restore the topsoil or the best available subsoil which has been segregated and preserved . . .

(c) The following performance standards shall be applicable to steep-slope surface coal mining and to mining operations which create a plateau with no highwall remaining in such a manner as to otherwise meet the standards of this subsection and shall be in addition to those general performance standards required by this section . . .

(1) No spoil, debris, soil, waste materials, or abandoned or disabled mine equipment may be placed on the natural or other downslope below the bench or cut created to expose the coal seam except that where necessary spoil from the initial block or short linear cut necessary to obtain access to the coal seam may be placed on a limited specified area of the downslope. . . .

(e) The regulatory authority may impose such additional requirements as he determines to be necessary. . . .

MR. [CRAIG] HOSMER [of California]: Mr. Chairman, I make a point of order against the substitute offered by the gentlewoman from Hawaii (Mrs. Mink) on the ground that it is a subterfuge, a distortion of the rules, that is being attempted here.

There are 16 pages of this document, which, but for a few changes, are identical to the language that is already in the bill. . . .

. . . [T]his is in effect an attempt to cut off the Members' rights to offer amendments by making the parliamentary situation confused and ambiguous. . . .

THE CHAIRMAN [Mr. Neal Smith of Iowa]: The Chair is ready to rule.

The Chair states that a similar question was before the Committee yesterday, as put forth by the gentleman from California. The amendment does make changes in this particular section of the committee amendment in the nature of a substitute. The fact that the section is 16 pages instead of 1 paragraph long is really of no moment. If the gentlewoman from Hawaii wishes to offer an amendment in this form and there is no question of germaneness, then it is in order. Accordingly, the Chair overrules the point of order. . . .

MR. [SAM] STEIGER of Arizona: . . . Yesterday there was some confusion over an amendment that was offered by the gentleman from Wyoming on behalf of the gentleman from West Virginia (Mr. Slack) as to the nature of the language on line 9 or line 12 of section 211.

In the 16 pages offered by the gentlewoman from Hawaii there is a return to line 9 of the language offered by the gentleman from Wyoming (Mr. Roncalio) on behalf of the gentleman from West Virginia (Mr. Slack). . . .

I would also point out to the Chair that, in effect, what the gentlewoman from Hawaii is doing is not only obfuscating the problem, but making a rather devious attempt to resubmit what we had already determined yesterday by a vote of record of this House to be the will of the House, which is now attempted to be circumvented. . . .

THE CHAIRMAN: The Chair will state that an amendment striking an entire section and inserting new language can replace a perfecting amendment which has been adopted to that section by the Committee, and if it is a more comprehensive amendment, that would not preclude the amendment from being offered.

MR. STEIGER of Arizona: . . . At what point are we unable to further perfect an already perfected amendment when it occupies over one-half of the new material or less than one-half or perhaps two-thirds of the new material? . . .

THE CHAIRMAN: The Chair will state that it would depend upon the scope of the adopted amendments at the time the amendment is offered.

—Entire Title Changed

§ 29.12 Where there is pending a motion to strike out a title of a bill and a perfecting amendment (changing the entire title) is then offered and agreed to, the motion to strike the title falls and is not voted upon, and further perfecting amendments to the title are no longer in order.

On Sept. 23, 1975,(9) the Committee of the Whole having under consideration a bill,(10) the proceedings, described above, were as follows:

MR. [LOUIS] FREY [Jr., of Florida]: Mr. Chairman, for the third time, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Frey: Page 356, line 6, strike out title VIII and all that follows through page 365, line 18. . . .

MR. [JOHN E.] MOSS [of California]: Mr. Chairman, I offer an amendment as a perfecting amendment to the title.

The Clerk read as follows:

> Amendment offered by Mr. Moss: Page 356, strike out line 7 and all that follows down through line 18 on page 365 and insert in lieu thereof the following:
>
> Sec. 801. (a) The Comptroller General may conduct verification audits with respect to the books and records of—
>
> (1) any person who is required to submit energy information to the Federal Energy Administration, the Department of the Interior, or the Federal Power Commission pursuant to any rule, regulation, order, or other legal process of such Administration, Department, or Commission. . . .

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 233, noes 162, not voting 38. . . .

THE CHAIRMAN:(11) The Chair wishes to announce that the amendment of

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9. 121 CONG. REC. 29827, 29829, 29835, 29836, 94th Cong. 1st Sess.

10. H.R. 7014, Energy Conservation and Oil Policy Act of 1975.

11. Richard Bolling (Mo.).

the gentleman from Florida (Mr. Frey) falls because an amendment in the nature of a substitute for the title was adopted. The Frey amendment, therefore, would not be voted on. . . .

Mr. [Clarence J.] Brown of Ohio: Mr. Chairman, was the amendment introduced as a substitute for the Frey amendment or was it introduced as an amendment to the pending title of the bill?

The Chairman: The Chair will state the amendment was introduced as an amendment in the nature of a substitute striking out the title and inserting new language. The amendment offered by the gentleman from Florida (Mr. Frey) was a motion to strike the title. Since the title in its present form has been changed in its entirety the motion to strike falls and is not in order (Cannon's VIII, § 2854).

Mr. Brown of Ohio: Mr. Chairman, a further parliamentary inquiry.

The Chairman: The gentleman will state his parliamentary inquiry.

Mr. Brown of Ohio: Mr. Chairman, my parliamentary inquiry is this: Is an amendment to title VIII now in order?

The Chairman: The Chair will state that the title has been amended in its entirety and no amendment to it is in order.

—*One of Several Amendments, Offered Seriatim, Ruled Out of Order; Unanimous Consent To Delete Amendment*

§ 29.13 Where a portion of a title of a bill has been altered by amendment, further amendments to that portion are not in order; accordingly, on one occasion, where a title of a bill was open for amendment at any point and an amendment was offered altering several provisions within that title including a provision previously altered by amendment, a point of order against the amendment was sustained and by unanimous consent the amendment was altered to delete reference to that portion already amended.

On Oct. 9, 1975,(12) during consideration of H.R. 200(13) in the Committee of the Whole, the proceedings described above were as follows:

The Clerk read as follows:

> Amendment offered by Mr. Waggonner: Page 29, strike out line 5 and all that follows thereafter down through line 2 on page 32 and insert the following: . . .
>
> (a) Commencement of Negotiations.—
>
> The Secretary of State, upon the request of and in cooperation with the Secretary, shall initiate and conduct negotiations with any foreign nation in whose fishery conservation zones, or its equivalent, vessels of the United States are engaged, or wish to be engaged, in fishing, or with respect to anadromous species or Continental Shelf fishery resources as to which such nation asserts management authority and for

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12. 121 Cong. Rec. 32588–90, 94th Cong. 1st Sess.

13. Marine Fisheries Conservation Act of 1975.

which vessels of the United States fish, or wish to fish. . . .

The Chairman:(14) The question is on the amendment offered by the gentleman from Louisiana (Mr. Waggonner).

The amendment was agreed to.

Mrs. [Millicent H.] Fenwick [of New Jersey]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mrs. Fenwick: . . .
>
> Page 30, line 6, strike out "the" and all that follows thereafter up to and including line 8, and substitute in lieu thereof the following: "any such ships of those countries deemed to be in noncompliance within the meaning of paragraphs (1)(A) and (1)(B) of this subsection from continuing their fishing activities";
>
> Page 31, line 4, strike subsection (c);
>
> Page 31, line 18, strike subsection (d);
>
> Page 33, line 1, strike Sec. 206.

Mr. [Robert L.] Leggett [of California]: Mr. Chairman, I have a point of order. We have already amended page 30, and this amendment would purport to amend page 30. . . .

It comes too late.

Mrs. Fenwick: No, no; it is still germane—the part that starts on page 31 striking subsection (c); page 31, line 18, striking subsection (d); and page 33, line 1, striking section 206.

The Chairman: The Chair would advise the gentlewoman from New Jersey that the part of the amendment that appears on page 30 would not be in order at this time. The balance of the amendment would be in order. Without objection, the amendment is modified to delete reference to that portion of title II already amended.

There was no objection.

—Amendment in Nature of Substitute for Perfected Text, Distinguished

§ 29.14 While it is in order to offer an amendment in the nature of a substitute for a bill which has the effect of modifying several perfecting amendments to the bill which have been agreed to, it is not in order to offer perfecting amendments which only change those portions of the bill which have already been perfected by amendment.

On July 12, 1977,(15) the Committee of the Whole having under consideration H.R. 5023,(16) the Chair sustained a point of order against an amendment as described above:

> The Chairman:(17) The Clerk will report the second committee amendment.

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14. Neal Smith (Iowa).

15. 123 Cong. Rec. 22499, 22511, 95th Cong. 1st Sess.

16. A bill amending statute of limitations provisions relating to claims by the United States on behalf of Indians.

17. John P. Murtha (Pa.).

The Clerk read as follows:

> Committee amendment: Page 1, lines 5 and 6: Strike "twenty one years" and insert "after December 31, 1981".

Mr. [William S.] Cohen [of Maine]: Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

> Amendment offered by Mr. Cohen to the committee amendment: On page 1, line 7 strike "after December 31, 1981" and insert "after July 18, 1979".

[The Cohen amendment to the committee amendment was adopted, and the committee amendment, as amended, agreed to.]

The Chairman: The Clerk will report the next committee amendment.

The Clerk read as follows:

> Committee amendment: Page 1, lines 9 and 10: Strike "twenty one years" and insert "on or before December 31, 1981". . . .

Mr. Cohen: Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

> Amendment offered by Mr. Cohen to the committee amendment: On page 2, lines 1 and 2, strike "on or before December 31, 1981" and insert "on or before July 19, 1979".

[The amendment to the committee amendment was agreed to.]

The Chairman: The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. Foley: Mr. Chairman, I offer an amendment as a substitute for the bill. . . .

The Clerk read as follows:

> Amendment offered by Mr. Foley as a substitute for the [bill]: Page 1, line 7, strike out "December 31, 1981".
>
> Page 2, line 2, strike out "December 31, 1981" and insert in lieu thereof the following: "July 18, 1979, except that no such action which accrued in accordance with such subsection shall be brought by the Attorney General on the basis of matters referred to him by a Federal agency or department unless such referral was made before July 18, 1977". . . .

Mr. [George E.] Danielson [of California]: . . . I make a point of order against the amendment in that the substitute now offered by the gentleman from Washington, Mr. Foley, is in effect, the same, and identical to the so-called Foley substitute which was just debated by the Committee and was rejected. I further object in that there is no new matter involved in it at all. It does not broaden nor does it narrow the thrust of the bill. Therefore it is a matter that has already been acted upon by the Committee and should not be allowed to be debated inasmuch as it is out of order.

The Chairman: Does the gentleman from Washington (Mr. Foley) desire to be heard on the point of order?

Mr. Foley: Mr. Chairman, it is the intention of the gentleman from Washington to offer the text of the bill with the following exceptions as a substitute.

The Chairman: The Chair will state that the amendment would have to be drafted in that form and in its present form it merely changes the amendments which have already been agreed to by the Committee of the Whole, and the point of order is sustained.

§ 29.15 An amendment in the nature of a substitute is in order after an entire bill has been read and perfecting amendments have been adopted thereto, as long as such perfecting amendments have not changed the bill in its entirety.

On Sept. 29, 1977,(18) the Committee of the Whole having completed general debate on H.R. 7010,(19) an amendment in the nature of a substitute was offered which prompted a unanimous-consent request to withhold such amendment pending consideration of the committee amendments. The proceedings were as indicated below:

> THE CHAIRMAN:(20) When the Committee rose on Wednesday, September 14, 1977, all time for general debate on the bill had expired.
>
> The Clerk will read.
>
> The Clerk read as follows:
>
> H.R. 7010
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*
>
> AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. RAILSBACK
>
> MR. [THOMAS F.] RAILSBACK [of Illinois]: Mr. Chairman, I offer an amendment in the nature of a substitute.
>
> The Clerk read as follows:
>
> Amendment in the nature of a substitute offered by Mr. Railsback: Strike all after the enacting clause and insert in lieu thereof the following:
>
> SHORT TITLE
>
> Section 1. This Act may be cited as the "Elderly Victims of Crime Act of 1977". . . .
>
> MR. [JAMES R.] MANN [of South Carolina]: Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may withhold the amendment in the nature of a substitute while we consider the committee amendment.
>
> THE CHAIRMAN: Is there objection to the request of the gentleman from South Carolina?
>
> MR. [MICKEY] EDWARDS of Oklahoma: Mr. Chairman, I object.
>
> THE CHAIRMAN: Objection is heard.
>
> MR. RAILSBACK: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. RAILSBACK: Mr. Chairman, in offering the amendment in the nature of a substitute, do I lose my right to offer that substitute if the gentleman from South Carolina (Mr. Mann) has the opportunity to deal with the committee amendments first?
>
> THE CHAIRMAN: No; it could be offered at the end of the bill once the entire bill has been read.

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18. 123 CONG. REC. 31542, 31543, 95th Cong. 1st Sess.
19. Victims of Crime Act of 1977.
20. Philip R. Sharp (Ind.).

Mr. Railsback: But it could not be offered after the committee amendments are dealt with?

The Chairman: The committee amendments would not change the whole bill, so an amendment in the nature of a substitute could be offered.

Parliamentarian's Note: The committee amendments on this bill began in section 2, and the amendment in the nature of a substitute was therefore initially in order prior to consideration of any committee amendments.

§ 29.16 To a proposition which is open to amendment at any point under the five-minute rule, an amendment in the nature of a substitute is in order notwithstanding adoption of perfecting amendments if another amendment in the nature of a substitute has not been adopted.

An example of the principle stated above occurred on May 2, 1979,(1) during consideration of House Concurrent Resolution 107(2) in the Committee of the Whole.

Mr. [Parren J.] Mitchell of Maryland: Mr. Chairman, a parliamentary inquiry.

The Chairman:(3) The gentleman will state his parliamentary inquiry.

Mr. Mitchell of Maryland: Mr. Chairman, House Concurrent Resolution 107 is a little different from the other budget resolutions that we have handled in the past in that a portion of it focuses in on fiscal year 1979 budget, and another portion focuses in on fiscal year 1980 budget. I have a substitute amendment which I want to offer to House Concurrent Resolution 107 which embraces both 1979 and 1980. We have just finished Mr. Simon's amendment which dealt specifically with 1979.

I want to make sure that there will be nothing to preclude me from offering my amendment at some later point in this debate.

The Chairman: The Chair would like to advise the gentleman that, as he knows, the concurrent resolution is open to amendment at any point. The gentleman's amendment in the nature of a substitute would be in order providing that another amendment in the nature of a substitute was not adopted. If another amendment in the nature of a substitute has not been adopted, the amendment offered by the gentleman from Maryland (Mr. Mitchell) would be in order.

Motion To Strike Previously Amended Section

§ 29.17 A motion to strike a section of a bill, if adopted, strikes the entire section including a provision added as a perfecting amendment to that section.

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(1) 125 Cong. Rec. 9556, 96th Cong. 1st Sess.

(2) The first concurrent resolution on the Budget, fiscal 1980.

(3) William H. Natcher (Ky.).

On Sept. 29, 1975,(4) during consideration of a bill(5) in the Committee of the Whole, the Chair responded to parliamentary inquiries as described above. The proceedings were as follows:

Mr. [Bill] Alexander [of Arkansas]: I have a parliamentary inquiry, Mr. Chairman.

The Chairman:(6) The gentleman will state it.

Mr. Alexander: Mr. Chairman, in order to perfect the amendment which was just passed, is it not necessary for this body to vote no on the amendment offered by the gentleman from Illinois (Mr. Derwinski) which is now before the House?

The Chairman: The Chair cannot respond to the inquiry as the gentleman stated it, but if the gentleman's inquiry is whether or not the motion offered by the gentleman from Illinois, if agreed to, would strike the entire section including the part that the gentleman from Arkansas has perfected, the answer of the Chair would be "yes.". . .

Mr. [William D.] Ford of Michigan: Did I understand the Chair to rule that even though the pending amendment of the gentleman from Illinois (Mr. Derwinski) is an amendment to strike the entire section, the amendment offered by the gentleman from Arkansas was a perfecting amendment to this section, that the gentleman's amendment if it now carries would not strike the entire section including the new language inserted by the gentleman from Arkansas?

The Chairman: The amendment offered by the gentleman from Illinois (Mr. Derwinski) would strike the entire section including the language offered by the gentleman from Arkansas and agreed to by the Committee.

§ 29.18 If a pending motion to strike a section is defeated, the provisions of that section as amended by perfecting amendments would remain in the bill.

On Sept. 29, 1975,(7) during consideration of a bill(8) in the Committee of the Whole, several parliamentary inquiries relating to the situation described above were directed to the Chair. After an amendment offered by Mr. Bill Alexander, of Arkansas, had been agreed to, a motion to strike the section as perfected was offered by Mr. Edward J. Derwinski, of Illinois. The proceedings were as follows:

Mr. Alexander: I have a parliamentary inquiry, Mr. Chairman.

The Chairman:(9) The gentleman will state it.

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4. 121 Cong. Rec. 30772, 30773, 94th Cong. 1st Sess.
5. H.R. 8630, Postal Reorganization Act Amendments of 1975.
6. Walter Flowers (Ala.).
7. 121 Cong. Rec. 30772, 30773, 94th Cong. 1st Sess.
8. H.R. 8630, Postal Reorganization Act Amendments of 1975.
9. Walter Flowers (Ala.).

Mr. Alexander: Mr. Chairman, in order to perfect the amendment which was just passed, is it not necessary for this body to vote no on the amendment offered by the gentleman from Illinois (Mr. Derwinski) which is now before the House?

The Chairman: The Chair cannot respond to the inquiry as the gentleman stated it, but if the gentleman's inquiry is whether or not the motion offered by the gentleman from Illinois, if agreed to, would strike the entire section including the part that the gentleman from Arkansas has perfected, the answer of the Chair would be "yes.". . .

Mr. [William D.] Ford of Michigan: Did I understand the Chair to rule that even though the pending amendment of the gentleman from Illinois (Mr. Derwinski) is an amendment to strike the entire section, the amendment offered by the gentleman from Arkansas was a perfecting amendment to this section, that the gentleman's amendment if it now carries would not strike the entire section including the new language inserted by the gentleman from Arkansas?

The Chairman: The amendment offered by the gentleman from Illinois (Mr. Derwinski) would strike the entire section including the language offered by the gentleman from Arkansas and agreed to by the Committee. . . .

Mr. [John] Buchanan [of Alabama]: Mr. Chairman, the gentleman from Illinois has stated that the subsidy would remain in the bill, notwithstanding the action voted by the committee; is that correct?

I am saying, Mr. Chairman, that if the Derwinski amendment now before us is voted down, the subsidy would remain, according to the language as it stands.

The Chairman: Section 2 would be amended by the Alexander amendment.

—Motion To Strike Perfected Text and Insert That Same Text With One Omission Thereby Undoing One of Several Perfecting Amendments

§ 29.19 An amendment to strike out the pending title of a bill and reinsert all sections of that title except one is not in order where that section has previously been amended in its entirety.

On Aug. 1, 1975,(10) during consideration of a bill(11) in the Committee of the Whole, the Chair, in response to a point of order, held that an amendment merely striking out language previously agreed to was not in order.

The Clerk read as follows:

> Amendment offered by Mr. Brown of Ohio: Strike out Title III, as amended, and reinsert all except for Section 301, as amended.

Mr. [Bob] Eckhardt [of Texas]: Mr. Chairman, I raise a point of order against the amendment.

The Chairman:(12) The gentleman will state it.

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10. 121 Cong. Rec. 26945-47, 94th Cong. 1st Sess.
11. H.R. 7014, Energy Conservation and Oil Policy Act of 1975.
12. Richard Bolling (Mo.).

Mr. Eckhardt: . . . [A]lthough it may have been appropriate to offer a substitute for all of title III, this amendment does not restate the language which should have been contained in such substitute. If the gentleman has attempted to offer a substitute which comprised the language adopted by this committee in sections 302, 303, 304, 305, 306, and 307, it would have been incumbent upon him to reduce the same to writing and to introduce it in such a manner that we would have had a complete amendment before us instead of in effect offering at this late date, after a new section 301 was adopted, a motion to strike that section 301. . . .

Mr. [**John** D.] **Dingell** [of Michigan]: . . . In pressing the point of order, I must commend my colleague, the gentleman from Ohio (Mr. Brown), for a most masterful piece of draftsmanship. Nevertheless, his draftsmanship and his display of rare talent to the contrary notwithstanding, the gentleman's draftsmanship does violate the rules. What the gentleman attempts to do here is simply to undo an amendment which was previously agreed to by the House. . . .

Mr. [**Clarence** J.] **Brown** of Ohio: Mr. Chairman, I will say that this does not place before the House the same question that existed prior to the vote on the Staggers amendment. This places before the House the question of whether this title, with all the amendments taken together as they have been added to the title, except the Staggers amendment, should now be accepted. It does in fact raise a different question. . . .

Mr. Eckhardt: Mr. Chairman, the posture is this: The bill contained section 301, stricken by the Wilson amendment, at which point the Krueger amendment was offered as an amendment to reinstate section 301. The Staggers amendment was then offered as a substitute to replace the Krueger amendment.

Therefore, we completed 301, we acted upon 301, and had a complete body of law on 301.

It was at that time that the gentleman from Ohio (Mr. Brown) might have attacked the Staggers amendment and sought to defeat it or, actually, the Krueger amendment, as amended by the Staggers amendment. He did not do so, other than to merely vote against it. Of course, that was the proper way to attack it, but what he is attempting to do now is merely to come in at this late point and seek to strike an amendment which was adopted by the House. Section 301 was at that time completed.

Mr. Chairman, he is not offering here a substitute in any proper form. . . .

Mr. Brown of Ohio: Mr. Chairman, I would like to cite from page 351 of Deschler's Procedure in the House of Representatives, section 28.9, as follows:

> After agreeing to several amendments to section 1 of a bill, the Committee of the Whole agreed to a motion to strike out and insert a new section which included some of the amendments agreed to, but omitted one of them. . . .

The Chairman: The Chair is prepared to rule.

The fact of the matter is that the original section 301 has been stricken from the bill and replaced by another section 301, and the [pending] amendment in effect deletes the new 301. The gentleman's amendment makes no change in the original text of title III. Under the rules and the practice of the House of Representatives, it is not in order to strike out an amendment that has been adopted or to offer an amendment in the form of the pending amendment which accomplishes solely that result—Cannon's VIII, § 2851-54.

Therefore, the Chair sustains the points of order.

Parliamentarian's Note: The citation presented by Mr. Brown (found in § 30.11, infra) can be differentiated from the situation here under discussion. The amendment cited by Mr. Brown included changes in original text as well as deletion of the one perfecting amendment.

Negating Amendment Previously Adopted

§ 29.20 While the Committee of the Whole may not strike out an amendment previously agreed to, it may consider a subsequent amendment which has the effect of negating a proposition previously agreed to.

On Aug. 23, 1967, during consideration of the Foreign Assistance Act of 1967,(13) an amendment was adopted which limited the availability of all authorizations in the bill to a single fiscal year. The amendment stated:(14)

> Amendment offered by Mr. [Ross] Adair [of Indiana]: On the first page, immediately after line 4, insert the following:
>
> Sec. 2. The Foreign Assistance Act of 1961, as amended, is amended by inserting immediately after the first section thereof the following new section:
>
> "Sec. 2. Limitation on Fiscal Year Authorizations.—Notwithstanding any other provision of this Act, nothing in this Act authorizes appropriations for the fiscal year 1969."

On the next day, an amendment was offered to a later section of the bill:(15)

> The Chairman:(16) If there are no further amendments to this section of the bill, the Clerk will read.
>
> The Clerk read as follows:
>
> TITLE VI—ALLIANCE FOR PROGRESS
>
> Sec. 106. Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to the Alliance for Progress, is amended as follows: . . .
>
> (b) Section 252, which relates to authorization, is amended as follows:
>
> (1) Strike out "and for each of the fiscal years 1968 and 1969, $750,000,000" and substitute "for the fiscal year 1968, $650,000,000, and

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13. H.R. 12048.

14. 113 Cong. Rec. 23699, 90th Cong. 1st Sess. The amendment was agreed to *id.* at p. 23706.

15. See 113 Cong. Rec. 23934, 90th Cong. 1st Sess., Aug. 24, 1967.

16. Charles M. Price (Ill.).

for the fiscal year 1969, $750,000,000". . . .

Amendment offered by Mr. Adair: On page 17, beginning in line 15, strike out "for the fiscal year 1968, $650,000,000, and for the fiscal year 1969, $750,000,000" and insert in lieu thereof the following: "for the fiscal year 1968, $578,000,000". . . .

To such amendment, an amendment was offered:

Amendment offered by Mr. [Armistead I.] Selden [Jr., of Alabama] to the amendment offered by Mr. Adair: Immediately after the matter proposed to be inserted add the following: ", and, notwithstanding section 2 of this Act, for the fiscal year 1969 $750,000,000".

Subsequently, after a substitute amendment and amendment thereto had been offered, the following proceedings took place:(17)

Mr. [Dante B.] Fascell [of Florida]: . . . When action is completed with respect to both the amendment, and the amendment to the amendment, the substitute, and the amendment to the substitute, would then an amendment to line 17 be in order, which would state "notwithstanding the provisions of section 2 of this act"?

The Chairman: The Chair will state if the pending amendments were voted down, an amendment to do that would be in order. . . .

Mr. [Harold R.] Collier [of Illinois]: My parliamentary inquiry is this: Mr. Chairman, in that event, would amendments throughout the balance of the sections of this bill, phrased on the order set forth by the gentleman from Florida, be in order, thereby rescinding the action taken by the House yesterday?

The Chairman: The Chair will state that the Committee may do so if it so desires.

Consistency of Amendment With One Previously Adopted

§ 29.21 While an amendment may not change an amendment already agreed to, it is in order to insert language immediately following the adopted amendment, and the Chair will not rule on the consistency of that language with the adopted amendment.

In 1973, during consideration of the Energy Emergency Act,(18) an amendment in the nature of a substitute was amended to require the President to regulate allocation of petroleum products for public school transportation between the student's home and the school closest thereto. A further amendment permitting allocations within an area in which students are required to be transported as a result of lawful action by school authority was held in order as not directly changing the text previously amended. The amendment

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17. 113 Cong. Rec. 23938, 90th Cong. 1st Sess.

18. H.R. 11450.

as to which an issue was raised stated:(19)

Amendment offered by Mr. [Robert C.] Eckhardt [of Texas] to the amendment in the nature of a substitute offered by Mr. Staggers: On page 7, line 21, add the following language:

> (1) Nothing in this subsection shall prohibit allocation of refined petroleum products for student transportation within an area in which students are required or directed to be transported as the result of lawful action by the appropriate school board or school authority.

The following discussion ensued:(20)

Mr. [John D.] Dingell [of Michigan]: . . . Let me point out first that the amendment seeks not to amend the bill itself but, rather, to amend the amendment offered by me yesterday and adopted by the House. The amendment is offered to page 7, line 21.

The amendment further amends a section of the bill already amended, again violating the rules of the House. . . .

Mr. Eckhardt: . . . Mr. Chairman, the amendment does not touch any language in the Dingell amendment but adds a new subparagraph (1) to the bill which takes care of the specific matter the gentleman from Texas was speaking about in the well.

The Chairman Pro Tempore:(1) . . . The Chair would refer to a ruling by Mr. Price of Illinois in 1967 which stated that while the Committee of the Whole may not strike out an amendment previously agreed to, it may adopt a subsequent amendment which has the effect of negating a proposition previously amended, and in response to the parliamentary inquiry at that time the Chair stated the Committee of the Whole may, if it desires to do so, adopt inconsistent amendments, but the Chair does not rule on the consistency of the amendments.

§ 29.22 Although the Committee of the Whole had agreed to an amendment changing language of a section of existing law, an amendment to add language to the same section of the bill was held in order even though inconsistent with the amendment previously agreed to.

On May 14, 1958,(2) the following proceedings took place:

Amendment offered by Mr. [Michael A.] Feighan [of Ohio]: . . .

(3) On page 3, immediately below line 7, insert the following:

"(b) Section 143 of the Mutual Security Act of 1954, as amended, which relates to assistance to Yugoslavia, is amended to read as follows:

" 'Sec. 143. Assistance to Yugoslavia.—Notwithstanding any other provision of law, no assistance under this title or any other title of this act

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19. 119 Cong. Rec. 41701, 93d Cong. 1st Sess., Dec. 14, 1973.
20. *Id.* at p. 41702.
1. John J. McFall (Calif.)
2. 104 Cong. Rec. 8714, 85th Cong. 2d Sess. Under consideration was H.R. 12181, to amend the Mutual Security Act of 1954.

shall be furnished to Yugoslavia after the expiration of 90 days following the date of the enactment of the Mutual Security Act of 1958, unless the President finds and so reports therefor, (1) that there has been no change in the Yugoslavian policies. . . .' "

The amendment was agreed to.

Amendment offered by Mr. [Paul A.] Fino [of New York]: . . . [o]n page 3, immediately below line 7, insert the following:

"(b) Section 143 of the Mutual Security Act of 1954, as amended, is amended to read as follows:

" 'Sec. 143. Termination of Aid to Yugoslavia, Poland, India, and Egypt.—No assistance shall be furnished under this act to Yugoslavia, Poland, India, and Egypt after the date of enactment of the Mutual Security Act of 1958.' "

Mr. [John M.] Vorys [of Ohio]: Mr. Chairman, I make a point of order against the amendment . . . [on] the ground that the Committee of the Whole has just perfected with an amendment to the section which he is again attempting to amend.

The Chairman:(3) If the gentleman will read the amendment, the amendment proposes a further perfection of the bill. It is in addition to the amendment offered by the gentleman from Ohio, which was adopted by the Committee a moment ago.

The Chair overrules the point of order.

§ 29.23 The Chair will not rule out an amendment as being inconsistent with an amendment previously adopted, as the consistency of amendments is a question for the House and not the Chair to determine.

On Oct. 31, 1975,(4) the Committee of the Whole having under consideration a bill,(5) the Chair made the ruling as described above. After the following amendment by Mr. Rousselot had been adopted, the proceedings were as indicated below:

> Amendments offered by Mr. [John H.] Rousselot [of California]: On page 6, line 23, immediately following the word "bank", insert a comma, and strike all that follows through the end of line 23. . . .
>
> (2) Section 5(A)(b) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1425(a)(b) is amended by inserting, at the end thereof, the following new sentence: "In the case of any member of the Federal Home Loan Bank System, the Federal Home Loan Bank Board may establish a reserve ratio or the equivalent thereof for negotiable order of withdrawal accounts (as defined by section 5(b) of this Act), which may be set at a level different from that applicable to demand deposits.". . .

Mr. J. William Stanton [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. J. William Stanton: On page eight, after line eighteen add the following new paragraph:
>
> (g) Section 5A of the Federal Home Loan Bank Act as amended (12

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3. Hale Boggs (La.).

4. 121 Cong. Rec. 34552, 34553, 94th Cong. 1st Sess.

5. H.R. 10024, Depository Institutions Amendments of 1975.

U.S.C. 1425a) is amended by adding a new subsection thereto as follows:

"(g) Each member institution shall maintain reserves against its negotiable order of withdrawal accounts, in currency and coin or in balances in a Federal Reserve bank in such ratios as shall be determined by the Board of Governors of the Federal Reserve System.". . .

MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: Mr. Chairman, the amendment of the gentleman from Ohio (Mr. J. William Stanton) addresses itself to section 5A of the Federal Home Loan Bank Act, as amended (12 U.S.C. 1425a), et cetera.

We have just, immediately preceding this, amended section 5A of the Federal Home Loan Bank Act of 1933 (12 U.S.C. 1425a), as amended. In other words, we have just addressed ourselves to the point that is contained in the amendment of the gentleman from Ohio.

Therefore, I submit, Mr. Chairman, that it would be inconsistent at this point to consider this amendment since the subject matter has already been dealt with. . . .

THE CHAIRMAN:(6) The Chair is prepared to rule.

The Chair is not going to rule on the consistency or inconsistency of the amendment.

The gentleman from Ohio (Mr. J. William Stanton) offers an amendment which is different from the amendment offered previously by the gentleman from California (Mr. Rousselot).

There is no question of germaneness involved here.

Accordingly, the Chair overrules the point of order.

§ 29.24 The Chair overruled a point of order against an amendment adding a new subsection to a bill where the point of order was based on the grounds that the amendment was inconsistent with an amendment already adopted by the Committee of the Whole changing a different portion of the bill.

The proceedings of Sept. 15, 1977,(7) illustrate the principle that the Chair does not rule on the consistency of a proposed amendment with an amendment already adopted by the Committee of the Whole, if the proposed amendment does not directly change the amendment previously adopted. During consideration of H.R. 3744, the Fair Labor Standards Act of 1977, the following amendment was agreed to:(8)

Amendment offered by Mr. Erlenborn: . . . Page 4, line 18, redesignate "Sec. 2. (a)(1)" as "Sec. 2. (a)", and beginning with line 20 strike out everything through line 21 on page 5 and insert in lieu thereof:

"(1) not less than $2.65 an hour during the year beginning January 1, 1978, not less than $2.85 an hour during the year beginning January 1, 1979, and not less than $3.05 an hour

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6. Spark M. Matsunaga (Hawaii).

7. See 123 CONG. REC. 29440, 29441, 95th Cong. 1st Sess.

8. *Id.* at pp. 29431, 29436.

after December 31, 1979, except as otherwise provided in this section;".

Subsequently, another amendment was offered:

Mr. Phillip Burton [of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Phillip Burton: Page 9, insert after line 5 of the following:
>
> (b) Section 6 (29 U.S.C. 206) is amended by adding at the end the following:
>
> "(9)(1) Every employer shall pay to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, wages at the following rates: during the period ending December 31, 1977, not less than $2.30 an hour, during the year beginning January 1, 1978, not less than $2.65 an hour, during the year beginning January 1, 1979, not less than 52 per centum of the average hourly earnings excluding overtime, during the twelve-month period ending in June 1978, of production and related workers on manufacturing payrolls, during the year beginning January 1, 1980, and during each of the next three years, not less than 53 per centum of the average hourly earnings excluding overtime, during the twelve-month period ending in June of the year preceding such year, of production and related workers on manufacturing payrolls. . . .

Mr. [John N.] Erlenborn [of Illinois]: . . . I must first say I have had only a few minutes to look at the amendment which is thrown together rather hastily in an attempt, as the gentleman said, to get a recount on the issue of indexing, but, Mr. Chairman, I make a point of order against the amendment on the ground that the Committee has voted on the issue of indexing, has expressed its will, and this is an amendment which merely would have the House again vote on the same issue already disposed of. . . .

The Chairman:[9] The Chair is ready to rule.

The amendment offered by the gentleman from California (Mr. Phillip Burton) simply adds a new subsection to the end of the section. In the opinion of the Chair the amendment is germane. As to whether or not it is inconsistent with the amendment of the gentleman from Illinois (Mr. Erlenborn) adopted a few moments ago, the Chair cannot rule upon that. The Chair holds the amendment to be germane and not to directly change the amendment already adopted. The point of order is overruled.

Consistency of Amendment With Another Part of Bill or With Prior Amendments

§ 29.25 An amendment is not subject to a point of order that its provisions are inconsistent with a section of the bill already considered under the five-minute rule.

The ruling of the Chair on Nov. 13, 1967, was to the effect that an amendment to a section of a pending bill which limits the amount which may be expended under one part of the bill is in order, notwithstanding the fact that the

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[9] William H. Natcher (Ky.).

Committee of the Whole has previously considered a section of the bill which established a total authorization figure for the whole bill as well as authorization limits for each part thereof.(10)

§ 29.26 The Chair does not rule on the consistency of amendments; and, while it is not in order to offer an amendment to directly change an amendment already agreed to, an amendment in the form of a new section to the bill and germane thereto may be offered notwithstanding its possible inconsistency with an amendment previously adopted.

On July 31, 1975,(11) the Committee of the Whole having under consideration the bill H.R. 7014,(12) a point of order was made against an amendment as indicated below:

> Mr. [James C.] Wright [Jr., of Texas]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Wright: On page 223, immediately before line 4, insert the following:
>
> MARGINAL WELL RECOVERY PRICING POLICY
>
> Sec. 302 (a) In the interest of promoting maximum recovery and eliminating waste, there is hereby created a category known as "marginal wells", and, for purposes of oil pricing policy, oil produced from these wells shall be treated as "new crude petroleum" as defined under Sec. 212.72 of Title 10 of the Code of Federal Regulations. . . .
>
> Mr. [John D.] Dingell [of Michigan]: Mr. Chairman, it is with great regret that I make a point of order against the amendment offered by the gentleman from Texas, a learned member of the committee. . . .
>
> The point of order is that the amendment offered by the gentleman from Texas (Mr. Wright) essentially seeks to redo or undo matters attended to in the Staggers amendment of yesterday, printed at page 25855 of the Congressional Record. . . .
>
> The amendment here would apply to classification of production from properties which are covered in the Staggers amendment in 8(c)(1), and in which, in that section, a $5.25 pricing ceiling would be applied.
>
> As I understand the rules, Mr. Chairman, amendments which should have been offered to amendments previously offered are not in order by reason of the fact that they should have been offered at a time earlier to other amendments upon which the House has acted.
>
> In a sense, Mr. Chairman, what the amendment here does, or seeks to do, is to alter actions taken earlier by the House with regard to pricing and with regard to the categories of oil which were mentioned by me. . . .

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10. See § 8.18, supra, for further discussion of the proceedings.
11. 121 Cong. Rec. 26224, 26225, 94th Cong. 1st Sess.
12. Energy Conservation and Oil Policy Act of 1975.

MR. WRIGHT: . . . The amendment which I offered, Mr. Chairman, would be a separate section of the bill which would create a new category not described in the amendment which we acted upon yesterday, nor described in the section just passed.

I think, Mr. Chairman, to follow the argument of the gentleman from Michigan to its logical conclusion would be to say that we could not at this juncture introduce any amendment which would bear upon the production of oil in this country, upon the theory that we had acted on that and dealt with old oil and new oil in the amendment agreed to yesterday, since all oil, obviously, must fall within the category of either old oil or new oil....

THE CHAIRMAN:(13) The Chair is ready to rule.

The point of order made by the gentleman from Michigan (Mr. Dingell) against the amendment offered by the gentleman from Texas (Mr. Wright) would be of some merit if the amendment were offered to the new section 301—that is, to the amendment which was agreed to on yesterday. But as the gentleman from Texas points out, his amendment provides for a new section which is otherwise germane in every way to the title of the bill in its amended form, and the Chair does not rule on consistency of amendments.

Therefore, the Chair overrules the point of order.

Anticipatory Ruling as to Effect of Adoption

§ 29.27 The Chair declines to make anticipatory rulings and will not prejudge the propriety of amendments at the desk as to whether they will be preempted by adoption of a pending amendment until they are offered.

On Dec. 18, 1979,(14) during consideration of H.R. 5860,(15) in the Committee of the Whole, the proposition described above occurred as follows:

The Clerk read as follows:

> Amendment offered by Mr. Brademas to the amendment in the nature of a substitute offered by Mr. Moorhead of Pennsylvania: Strike line 7, page 5, through line 7, page 9, (section 4(a)(4) through section 4(d)) and replace with the following:
>
> (4) the Corporation has submitted to the Board a satisfactory financing plan which meets the financing needs of the Corporation as reflected in the operating plan for the period covered by such operating plan, and which includes, in accordance with the provisions of subsection (c), an aggregate amount of nonfederally guaranteed assistance of not less than $1,930,000,000. . . .

MR. [MICKEY] EDWARDS of Oklahoma: Mr. Chairman, I have an amendment at the desk to section 4 of the Moorhead substitute as does the gentleman from Oregon (Mr. Weaver). Would our amendments be in order if the Brademas amendment passes?

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13. Richard Bolling (Mo.).

14. 125 CONG. REC. 36794, 36801, 96th Cong. 1st Sess.

15. Authorizing loan guarantees to the Chrysler Corporation.

THE CHAIRMAN:(16) The Chair will have to examine them if and when offered.

Adoption of Amendment in Nature of Substitute

§ 29.28 While it is not in order to further amend an amendment in the nature of a substitute for several paragraphs which has been offered following the reading of the first paragraph and agreed to, it is in order to insert language which does not directly change the adopted amendment immediately thereafter, where the Clerk has not yet read the next paragraph of the bill which would be stricken out in conformity with the adopted amendment.

The following proceedings, which took place on Oct. 1, 1974,(17) illustrate the principle that, although an amendment may not change an amendment already agreed to, it is in order to insert language immediately following the adopted amendment.

MRS. [MARJORIE S.] HOLT [of Maryland]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Holt: On page 6, line 11, strike out the period, insert a semicolon, and the following:

Provided further, That none of these funds shall be used to compel any school system as a condition for receiving grants and other benefits from the appropriations above, to classify teachers or students by race, religion, sex, or national origin. . . .

MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Chairman, I raise a point of order against the amendment.

THE CHAIRMAN:(18) The gentleman from Pennsylvania will state his point of order.

MR. FLOOD: Mr. Chairman, I direct the attention of the Chair to page 6 of the bill, and the Chair will find there that the Roybal amendment which was just adopted by the committee strikes out everything on page 6 down to and including line 11. That being the case, this amendment now is too late, and if presented should have been presented to the Roybal amendment, and therefore I think that a point of order should lie in that it is too late under the circumstances.

THE CHAIRMAN: The Chair would observe that the Clerk had not begun to read at line 12 on page 6, so that this portion of the bill is still open for amendment, the Roybal substitute for the language appearing in the bill as presented by the committee, would conclude at the same point on line 11.

Therefore the amendment offered by the gentlewoman from Maryland (Mrs. Holt) would insert language at the end of the Roybal language, and would not

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16. Richard Bolling (Mo.).
17. 120 CONG. REC. 33364, 93d Cong. 2d Sess. Under consideration was H.R. 16900, supplemental appropriation bill, fiscal 1975.
18. James C. Wright, Jr. (Tex.).

directly change that language and therefore would be in order.

The point of order is overruled.

Adoption of Amendment Adding New Section

§ 29.29 In response to a parliamentary inquiry, the Chair indicated that the adoption of an amendment adding a new section to a bill would preclude further amendment to the pending section.

On Mar. 20, 1975,(19) during consideration of a bill(20) in the Committee of the Whole, a parliamentary inquiry was addressed to the Chair and the proceedings were as follows:

MR. [PETER A.] PEYSER [of New York]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Peyser: Page 3, immediately after line 16, insert the following new section:
>
> "Sec. 3. Notwithstanding any other provision of law, there shall be no acreage allotment, marketing quota or price support for rice effective with the 1975 crop of such commodity."

Mr. [Thomas S.] Foley [of Washington] reserved a point of order on the amendment.

MR. [STEVEN D.] SYMMS [of Idaho]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:(1) The gentleman will state his parliamentary inquiry.

MR. SYMMS: Mr. Chairman, I have another amendment to section 2 of the bill. Will this amendment preclude the offering of the next amendment?

THE CHAIRMAN: It will if the amendment is agreed to.

Adoption of Amendment Improperly Offered, Where No Point of Order Raised

§ 29.30 While a motion to strike out a paragraph of a pending section and insert new language is ordinarily a perfecting amendment to that section, thereby precluding the offering of another perfecting amendment to that section during its pendency, where no point of order has been raised against another more limited amendment that is offered subsequently, the Chair may treat it as a perfecting amendment to that paragraph so that the vote thereon is taken first; and when the improperly offered amendment is adopted, the vote is taken on the motion to strike and insert.

On Mar. 21, 1975,(2) during consideration in the Committee of the

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19. 121 CONG. REC. 7666, 94th Cong. 1st Sess.

20. H.R. 4296, emergency price supports for 1975 crops.

1. John Brademas (Ind.).

2. 121 CONG. REC. 7950, 7952, 94th Cong. 1st Sess.

Whole of a bill,[3] the proceedings, described above, occurred as follows:

The Clerk read as follows:

> Amendment offered by Mrs. Fenwick: Page 11, strike out lines 1 through 12 and insert in lieu thereof:
>
> "(d) Not more than 50 per centum of the aggregate mortgage amounts approved in appropriation Acts may be allocated (1) for use with respect to existing previously occupied dwellings which have not been substantially rehabilitated and (2) for use with respect to new, unsold dwelling units the construction of which commenced prior to the enactment of this Act. Not more than 10 per centum of the aggregate mortgage amounts approved in appropriation Acts may be allocated with respect to dwelling units with appraised values in excess of $38,000.". . .

MR. [LES] AUCOIN [of Oregon]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

> Perfecting amendment offered by Mr. AuCoin: On page 11, line 1, strike out "25" and insert in lieu thereof "30".
>
> On page 11, line 3, insert "with respect to existing units and" immediately after "use."

THE CHAIRMAN:[4] The Chair will treat this amendment as a perfecting amendment to the paragraph of the bill and it will be voted on first. . . .

The question is on the perfecting amendment offered by the gentleman from Oregon (Mr. AuCoin).

The perfecting amendment was agreed to.

THE CHAIRMAN: The question is on the amendment offered by the gentlewoman from New Jersey.

The question was taken; and the Chairman announced that the ayes appeared to have it.

MR. [THOMAS L.] ASHLEY [of Ohio]: Mr. Chairman, a parliamentary inquiry.

Does the Chairman mean the amendment, as amended?

THE CHAIRMAN: The Chair will advise the gentleman that the amendment offered by the gentleman from Oregon (Mr. AuCoin) was a perfecting amendment to section 9(d) on page 11, line 1 through line 8. The amendment offered by the gentlewoman from New Jersey (Mrs. Fenwick) is an amendment which would strike all of the language in the paragraph of the bill and substitute her language. . . .

MR. ASHLEY: . . . Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. ASHLEY: It is on this basis, Mr. Chairman, that I misunderstood the parliamentary situation. I had thought that the gentleman's amendment was in the nature of a substitute. Inasmuch as the gentleman's amendment was adopted, is it also the fact that the amendment of the gentlewoman from New Jersey (Mrs. Fenwick) was adopted?

THE CHAIRMAN: Yes, thereby deleting the language which contained the perfecting amendment of the gentleman from Oregon.

On a subsequent recorded vote, the amendment offered by Mrs. Fenwick was rejected.

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[3] H.R. 4485, the Emergency Middle-Income Housing Act of 1975.

[4] Robert N. Giaimo (Conn.).

Adoption of Amendment to Substitute

§ 29.31 Where there was pending an amendment in the nature of a substitute for a bill, an amendment thereto, a substitute therefor and an amendment to the substitute, the Chair indicated that adoption of the amendment to the substitute would preclude further amendment to those portions of the substitute so amended.

On June 10, 1976,(5) the Committee of the Whole having under consideration a bill,(6) the Chair responded to several parliamentary inquiries regarding the above-described circumstances. The proceedings were as follows:

> MR. JOHN L. BURTON [of California]: Mr. Chairman, I offer amendments to the amendment offered as a substitute for the amendment in the nature of a substitute.
>
> The Clerk read as follows:
>
> Amendments offered by Mr. John L. Burton to the amendment offered by Mr. Horton as a substitute for the amendment in the nature of a substitute offered by Mr. Brooks: In the substitute offered by the gentleman from New York, Mr. Horton, strike out everything after the first section thereof down through section 4 and insert in lieu thereof the following:
>
> DEFINITION
>
> Sec. 2. As used in this Act the term "the Act" means the State and Local Fiscal Assistance Act of 1972. . . .
>
> MR. [FRANK] HORTON [of New York]: Would the Chair explain the parliamentary situation so that we understand what it is that we have before us.
>
> THE CHAIRMAN:(7) The Chair will attempt to state what the situation is.
>
> Pending is the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Brooks), to which is pending an amendment offered by the gentleman from North Carolina (Mr. Fountain), and there is also pending an amendment offered as a substitute by the gentleman from New York (Mr. Horton) to the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Brooks).
>
> Finally, we have pending amendments offered by the gentleman from California (Mr. John L. Burton) to the amendment offered by the gentleman from New York (Mr. Horton) as a substitute for the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Brooks)....
>
> The order in which [the amendments] would be dealt with would be first the Fountain amendment, then the Burton amendments, and then the Horton substitute amendment. . . .
>
> MR. HORTON: The question I would like to pose is with regard to the amendment that has just been offered to the Horton substitute by the gentleman from California (Mr. John L.

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5. 122 CONG. REC. 17344-52, 94th Cong. 2d Sess.
6. H.R. 13367, a bill to extend and amend the State and Local Fiscal Assistance Act of 1972.
7. Gerry E. Studds (Mass.).

Burton). As I understand it, the amendment is such that the Horton substitute would not be open for amendment except as it relates to that portion that contains the entitlement, section 6.

The Chairman: The Chair will advise the gentleman that in the event of the adoption of the amendment offered by the gentleman from California, the new text inserted by the amendment would not solely be subject to further amendment. The portion of the substitute offered by the gentleman from New York not amended by the gentleman's amendment would be subject to further amendment.

§ 29.32 The adoption of a perfecting amendment to a substitute for an amendment does not preclude the consideration of further perfecting amendments to the substitute which seek to change additional portions of text not already perfected.

On July 2, 1980,(8) during consideration of H.R. 7235, the Rail Act of 1980, the Chair indicated that a pending substitute would be open to further amendment whether or not a pending amendment to the substitute was adopted. The Chair stated, however, that he could not respond to a hypothetical question as to whether a particular amendment, not submitted in writing, would be in order following adoption of the amendment to the substitute. The discussion was as follows:

Mr. [Robert C.] Eckhardt [of Texas]: Mr. Chairman, let me ask, if this amendment were agreed to, would it still be in order to move to strike the entire intrastate section of the Madigan substitute?

This would apparently be a perfecting amendment with respect to that matter, and an amendment to strike, I would think, would be in order. I would like to know the answer to that question.

The Chairman:(9) The Chair will state that the Madigan substitute still has to be voted on regardless of the outcome of this amendment, and it is open for amendment after this amendment has been disposed of.

Mr. Eckhardt: Mr. Chairman, the question I am asking, though, is this: If this amendment were agreed to as a perfecting amendment to the Madigan amendment respecting intrastate rates, would it then be in order to strike the whole section limiting the exercise by a State commission of intrastate rate authority?

The Chairman: The Chair would have to state to the gentleman from Texas (Mr. Eckhardt) that it would depend, in the Chair's judgment, on what form the amendment would take. The Chair knows of no such amendment, sees no such amendment, and, therefore, finds it difficult to answer the gentleman's question.

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8. 126 Cong. Rec. 18299, 96th Cong. 2d Sess.

9. Les AuCoin (Oreg.).

Adoption of Amendment to Amendment in Nature of Substitute

§ 29.33 The adoption of an amendment to a pending amendment in the nature of a substitute precludes further amendment merely to that portion of the said substitute already amended.

On Dec. 18, 1979,[10] the proposition stated above was illustrated during consideration of H.R. 5860[11] in the Committee of the Whole when a parliamentary inquiry was directed to the Chair. The proceedings were as indicated below:

> The Clerk read as follows:
>
> Amendment offered by Mr. Brademas to the amendment in the nature of a substitute offered by Mr. Moorhead of Pennsylvania: Strike line 7, page 5, through line 7, page 9, (section 4(a)(4) through section 4(d)) and replace with the following:
>
> (4) the Corporation has submitted to the Board a satisfactory financing plan which meets the financing needs of the Corporation as reflected in the operating plan for the period covered by such operating plan, and which includes, in accordance with the provisions of subsection (c), an aggregate amount of nonfederally guaranteed assistance of not less than $1,930,000,000. . . .
>
> MR. [ED] BETHUNE [of Arkansas]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN:[12] The gentleman will state his parliamentary inquiry.
>
> MR. BETHUNE: If the Brademas amendment is agreed to—as I understand it, it runs from page 5 of the Moorhead substitute, line 7, all the way to page 9, line 7—would it then foreclose a particular amendment to any of the sections that are within that area of the substitute?
>
> THE CHAIRMAN: Amendments only to those sections would be precluded.

Adoption of Perfecting Amendments to Amendment as Not Precluding Substitute or Amendments to Substitute

§ 29.34 The adoption of a perfecting amendment to a (committee) amendment does not preclude the offering of a substitute for the original amendment, as perfected.

An example of the proposition described above occurred on Sept. 13, 1979,[13] during consideration of H.R. 4040[14] in the Committee of the Whole. The proceedings were as follows:

> THE CHAIRMAN PRO TEMPORE:[15] The Clerk will report the next committee amendment.

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[10] 125 CONG. REC. 36794, 36801, 96th Cong. 1st Sess.

[11] Authorizing loan guarantees to the Chrysler Corporation.

[12] Richard Bolling (Mo.).

[13] 125 CONG. REC. 24427, 96th Cong. 1st Sess.

[14] The Defense Department appropriation bill, fiscal 1980.

[15] Norman Y. Mineta (Calif.).

The Clerk read as follows:

> Committee amendment: Page 3, line 2, strike out "$7,515,500,000" and insert in lieu thereof "$7,515,400,000".

MR. [MELVIN] PRICE [of Illinois]: Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

> Amendment offered by Mr. Price to the committee amendment: On page 3, line 2, in lieu of the matter proposed to be inserted by the committee amendment, insert "$6,790,400,000". . . .

THE CHAIRMAN PRO TEMPORE: The question is on the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

MR. [VIC] FAZIO [of California]: Mr. Chairman, I offer an amendment as a substitute for the committee amendment, as amended.

The Clerk read as follows:

> Amendment offered by Mr. Fazio as a substitute for the committee amendment as amended: Page 3, line 2, strike out "$7,515,500,000" and insert in lieu thereof "$6,456,400,000".

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, I have a point of order. . . .

I understood that the gentleman from Illinois (Mr. Price) had just offered an amendment that changed the figure of $7,515,500,000 to $6 billion-something else, and that was accepted by the committee.

THE CHAIRMAN PRO TEMPORE: The committee amendment, as amended, has not yet been agreed to, and it is open and subject to a substitute amendment.

MR. STRATTON: The gentleman from Illinois (Mr. Price) offered an amendment that begins with $6 billion?

THE CHAIRMAN PRO TEMPORE: The gentleman from Illinois (Mr. Price) offered an amendment to the committee amendment, and that figure was for $6,790,400,000.

MR. STRATTON: And that has not been accepted?

THE CHAIRMAN PRO TEMPORE: And that was agreed to.

MR. STRATTON: That was agreed to, so the amendment of the gentleman from California is to what figure then?

THE CHAIRMAN PRO TEMPORE: The gentleman is substituting for the original committee amendment, as amended.

The Chair has overruled the point of order. . . .

MR. [RICHARD H.] ICHORD [of Missouri]: I want to make sure in making my point of order that I understand what is going on. I distinctly heard the chairman announce that the amendment of the gentleman from Illinois without objection, is adopted.

Then the gentleman from California arose saying he had a substitute amendment. If the amendment of the gentleman from Illinois was adopted, that figure has been amended and would be subject to a point of order, and I make that point of order that he is amending a figure already amended by the gentleman from Illinois.

THE CHAIRMAN PRO TEMPORE: The Chair has indicated that the technical amendment offered by the chairman of the committee to the committee amendment has been accepted.

The committee amendment, as amended, has not yet been accepted and, therefore, is subject to a substitute amendment. That is what the gentleman from California is offering at the present time.

§ 29.35 The adoption of perfecting amendments to an amendment do not preclude the offering of further amendments to a substitute for an amendment.

On May 16, 1979,(16) during consideration of H.R. 39, the Alaska National Interest Lands Conservation Act of 1979, the Chair responded to a parliamentary inquiry as indicated above. The proceedings were as follows:

MR. [JOHN B.] BREAUX [of Louisiana]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment offered by Mr. Breaux to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries: Page 278: Strike out all after line 2 on page 278 through line 9 on page 622 and insert in lieu thereof the following: . . .

MR. [MORRIS K.] UDALL [of Arizona]: My parliamentary inquiry is, in the event that the pending Breaux amendment to the Breaux-Dingell substitute is adopted, would that preclude further amendments to the pending Udall-Anderson substitute?

THE CHAIRMAN:(17) It would not.

Adoption of Amendment Not Printed in Record as Required

§ 29.36 Where a bill is being considered under a special order requiring amendments to be printed in the Record, and the Chair inadvertently permits the offering of an unprinted amendment which is adopted, those proceedings may be vacated only by unanimous consent.

The circumstance stated above was the basis of the following proceedings which occurred on Oct. 1, 1985,(18) during consideration of H.R. 2100(19) in the Committee of the Whole:

MR. [BERKLEY] BEDELL [of Iowa]: Mr. Chairman, I offer an amendment that takes care of some concerns that the Committee on Ways and Means had.

The Clerk read as follows: . . .

MR. BEDELL (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

THE CHAIRMAN:(20) Is there objection to the request of the gentleman from Iowa?

There was no objection.

MR. BEDELL: Mr. Chairman, I yield to the chairman of the committee.

MR. [KIKA] DE LA GARZA [of Texas]: I thank my colleague for yielding.

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16. 125 CONG. REC. 11369, 11420, 96th Cong. 1st Sess.
17. Paul Simon (Ill.).
18. 131 CONG. REC. 25463, 25464, 25467, 99th Cong. 1st Sess.
19. The Food Security Act of 1985.
20. David E. Bonior (Mich.).

Mr. Chairman, this takes care of a jurisdictional conflict between our committee and the Committee on Ways and Means. After diligent effort between the staffs and the respective chairmen, the end result is this amendment which would satisfy the Committee on Ways and Means and would do no harm to our committee version, and I would urge the Members to accept it. . . .

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Iowa (Mr. Bedell).

The amendment was agreed to. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: . . . Mr. Chairman, I wanted to raise a problem that I have discovered where we have had an amendment adopted here just a few minutes [ago] that was not eligible for consideration under the rule. It is my understanding that the Bedell amendment that was adopted to this section a few minutes ago had not been printed in the Record in a timely fashion, so under the rule, it was not eligible for consideration on the floor except by unanimous consent.

In fact, we did not have a unanimous-consent request for that amendment, so therefore it should not have been considered under the regular procedures. Given that situation, it seems to me that the House should not be acting upon an amendment at this point that is based upon perfecting language that was offered that was not in fact eligible for consideration on the House floor.

If I might, Mr. Chairman, I ask unanimous consent that the proceedings be vacated under which the Bedell amendment to this section was adopted.

THE CHAIRMAN: Is there objection to the request of the gentleman from Pennsylvania?

MR. [JAMES] WEAVER [of Oregon]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

Agreement to One Portion of Divisible Amendment; Further Debate on Remainder

§ 29.37 Where the question has been put on the first portion of a divisible amendment, and that portion agreed to, further debate on the remaining portion may be had under the five-minute rule before the Chair puts the question thereon.

On Aug. 4, 1983,(1) the Committee of the Whole having under consideration H.R. 2230,(2) the above-stated proposition was illustrated as indicated below:

MR. [DON] EDWARDS of California: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Edwards of California: Page 2, line 2, insert "(a)" after "Sec. 2".
>
> Page 2, line 4, strike out "1998" and insert "1988" in lieu thereof.
>
> Page 2, after line 4, insert the following:
>
> "(b) Section 104(c) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(c)) is amended by adding at the end the following: "During the

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1. 129 CONG. REC. 23134, 23142, 23143, 98th Cong. 1st Sess.
2. The Civil Rights Commission Act of 1983.

period which begins on the date of the enactment of the Civil Rights Commission Act of 1983 and ends on September 30, 1988, the President may remove a member of the Commission only for neglect of duty or malfeasance in office.".

Mr. [James F.] Sensenbrenner [Jr., of Wisconsin]: Mr. Chairman, pursuant to the rule, I demand a division of the question. . . .

The Chairman:(3) The Chair would point out to the gentleman that the amendment really contains three parts, the second being, on page 2, line 4, to strike out "1998" and insert "1988".

The first part is, on page 2, line 2, to insert "(a)" after "Sec. 2."

Then the third part is the insertion of a new subsection (b) dealing with the removal of commissioners before the term of office.

The Chair would propose to put the question first only on the date change, and then on the remainder of the amendment which constitutes in effect one proposition. . . .

The question now is on that portion of the amendment offered by the gentleman from California (Mr. Edwards) dealing with the date change from "1998" to "1988.". . .

[The portion of the amendment dealing with the date change from "1998" to "1988" was agreed to.]

Mr. [Elliott H.] Levitas [of Georgia]: Mr. Chairman, I understand the vote that was just taken was on the first part of a divided question. My inquiry is: Is it in order at this time for there to be any further debate on the second portion of the question that has been divided?

The Chairman: The Chair will advise the gentleman that further debate would be in order under the 5-minute rule until the Chair puts the question.

Mr. Levitas: Mr. Chairman, I move to strike the requisite number of words.

Amendment Adding Language Following Previously Adopted Amendment

§ 29.38 While it is not in order to amend an amendment already agreed to, an amendment inserting additional language immediately following a previously adopted amendment may be offered.

The ruling of the Chair on June 1, 1976,(4) was that, where an amendment inserting a new section in a bill has been adopted, an amendment inserting another new section at that same point in the bill, but not striking out any language previously agreed to, is in order. The following amendment(5) had been agreed to:

> Amendment offered by Mr. [Bob] Eckhardt [of Texas]: Page 10, after line 4, insert the following:

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3. Morris K. Udall (Arizona).

4. 122 Cong. Rec. 16051, 94th Cong. 2d Sess.

5. *Id.* at p. 16045.

LIMITATION ON DISCRETION OF THE ADMINISTRATOR WITH RESPECT TO SUBMISSION OF ENERGY ACTIONS

Sec. 3. Section 5 of the Federal Energy Administration Act of 1974 is amended by adding at the end thereof the following:

"(c) The Administrator shall not exercise the discretion delegated to him pursuant to section 5(b) of the Emergency Petroleum Allocation Act of 1973 to submit to the Congress as one energy action any amendment under section 12 of the Emergency Petroleum Allocation Act of 1973 which exempts crude oil or any refined petroleum product or refined product category from both the allocation provisions and the pricing provisions of the regulation under section 4 of such Act."

A further amendment was subsequently offered:

The Clerk read as follows:

Amendment offered by Mr. Eckhardt: Page 10, after line 4, insert the following:

LIMITATION ON DISCRETION OF THE PRESIDENT WITH RESPECT TO DELEGATION OF CERTAIN AUTHORITIES

Sec. 3. Section 8(h) of the Federal Energy Administration Act of 1974 is amended by adding before the period at the end thereof the following: ", except that the President may not redelegate or terminate the delegation of those functions as pertain to the submission of energy actions relating to an amendment under section 12 of the Emergency Petroleum Allocation Act of 1973 which had been delegated to the Administrator on or before May 1, 1976, pursuant to section 5(b) of the Emergency Petroleum Allocation Act of 1973.". . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, if I understand the thrust of the amendment offered by the gentleman from Texas (Mr. Eckhardt), it amends an amendment which the committee has already adopted, by additionally prohibiting the President from redelegating or terminating the delegations of functions that we have already modified in the previous Eckhardt amendment. . . .

THE CHAIRMAN:(6) The Chair is ready to rule.

The amendment offered by the gentleman from Texas (Mr. Eckhardt) provides for an additional section at the end of the committee bill. The amendment offered by the gentleman from Texas (Mr. Eckhardt) does not directly amend the first Eckhardt amendment, which also added another section at the end of the bill.

Therefore, the point of order is overruled.

§ 29.39 While an amendment may not change an amendment already agreed to, it is in order to insert germane language immediately following the adopted amendment, and the Chair will not rule on the consistency of that language with the adopted amendment.

On June 10, 1976,(7) the Committee of the Whole having under consideration H.R. 13367,(8) a

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6. William H. Natcher (Ky.).
7. 122 CONG. REC. 17381, 94th Cong. 2d Sess.
8. A bill to extend and amend the State and Local Fiscal Assistance Act of 1972.

point of order was made against an amendment and the Chair ruled as indicated below:

MR. [BROCK] ADAMS [of Washington]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute, as amended.

The Clerk read as follows:

> Amendment offered by Mr. Adams to the amendment in the nature of a substitute offered by Mr. Brooks, as amended: Add at the end of the Brooks amendment as amended the following new section: Sec. 14. Notwithstanding any other provision of law—
>
> (1) allocations among States of amounts authorized by any provision of the State and Local Fiscal Assistance Act of 1972 as amended by the preceding provisions of this Act . . . shall be made only to such extent or in such amounts as are provided in advance by appropriation Acts. . . .

MR. [FRANK] HORTON [of New York]: Mr. Chairman, I make the point of order against the amendment. . . .

[A]s I understand the reading of the amendment, it has to do with entitlement. The Brooks substitute had a provision with regard to entitlement, the Fountain substitute had provisions for entitlement, and now again this is an attempt to change the entitlement provision. Therefore, it is my position that this is out of order and should not be offered. . . .

MR. ADAMS: Mr. Chairman, this is a germane amendment, as provided under the rule. It provides for a new section. It is a limitation on what was in the substitute. It does not amend the same section and, therefore, it is in order.

THE CHAIRMAN:(9) The Chair is prepared to rule.

The Chair cites Deschler's Procedure, chapter 27, section 27.11:

> While an amendment may not change an amendment already agreed to, it is in order to insert language immediately following the adopted language, and the Chair will not rule on the consistency of that language with the adopted amendment.

The amendment offered by the gentleman from Washington (Mr. Adams), does add new language at the end of the Brooks amendment, as amended.

The Chair, in accordance with the precedent, will not rule on the consistency of that language and holds that the amendment is germane and, therefore, the Chair will overrule the point of order.

—*Previously Adopted Amendment in Nature of Substitute*

§ 29.40 Although an amendment which has been adopted to an amendment in the nature of a substitute may not be further amended, another amendment adding language at the end of the amendment in the nature of a substitute may still be offered.

On June 10, 1976,(10) during consideration of a bill(11) in the

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9. Gerry E. Studds (Mass.).
10. 122 CONG. REC. 17368–75, 94th Cong. 2d Sess.
11. H.R. 13367, a bill to extend and amend the State and Local Fiscal Assistance Act of 1972.

Committee of the Whole, the Chair overruled a point of order against an amendment as described above. The proceedings were as indicated below:

The Chairman:[12] . . . The Chair will first put the question on the amendment offered by the gentleman from North Carolina (Mr. Fountain) to the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Brooks). . . .

[The Fountain amendment was adopted.]

The Clerk read as follows:

> Amendment offered by Mr. John L. Burton to the amendment in the nature of a substitute offered by Mr. Brooks, as amended: At the end of the Brooks amendment, as amended, add the following:
>
> FUNDS FOR PROPERTY TAX RELIEF
>
> Sec. 11. Section 123(a) of the Act is amended by inserting after paragraph (2) the following new paragraph:
>
> "(3) it will obligate at least 20% of the funds received under subtitle A during each entitlement period beginning on or after January 1, 1977, to specifically decrease taxes on real property;". . . .

Mr. [Frank] Horton [of New York]: Mr. Chairman, I would like the Chair to explain the parliamentary procedure. . . .

The Chairman: The Chair will state to the gentleman from New York that it is the understanding of the Chair that the amendment offered by the gentleman from California (Mr. John L. Burton) is a further amendment adding new language at the end of the Brooks amendment, as amended. . . .

Mr. [Benjamin S.] Rosenthal [of New York]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute, as amended.

The Clerk read as follows:

> Amendment offered by Mr. Rosenthal to the amendment in the nature of a substitute offered by Mr. Brooks, as amended: at the end of the Brooks amendment, as amended, insert the following new section:
>
> POPULATION ADJUSTMENT
>
> Sec. 17. Section 109(a)(1) of the State and Local Fiscal Assistance Act of 1972 is amended by inserting immediately before the period at the end thereof the following: ", except that the Bureau of the Census shall make available to the Secretary data to correct for any substantial and systematic undercounting of the residents of any State and the Secretary shall utilize such data to the extent that it represents a reliable and uniform count of such residents".

Mr. Horton: Mr. Chairman, I make a point of order against the amendment.

The Chairman: The gentleman will state his point of order.

Mr. Horton: Mr. Chairman, the point of order is that there has already been a substitute to the Brooks amendment in the nature of a substitute, which has been adopted. Therefore, it is out of order to offer another substitute to the Fountain amendment that was adopted to the Brooks substitute. . . .

Mr. Rosenthal: . . . The gentleman from New York (Mr. Horton) would have been correct if this were an amendment to an existing substitute

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12. Gerry E. Studds (Mass.).

that had already been adopted. However, this amendment adds a new section to the Brooks amendment in the nature of a substitute, section 17. . . .

THE CHAIRMAN: The Chair is prepared to rule.

The amendment offered by the gentleman from New York (Mr. Rosenthal) is not a substitute or an amendment in the nature of a substitute. It adds new language at the conclusion of the Brooks amendment in the nature of a substitute, as amended.

The Chair therefore overrules the point of order.

§ 29.41 If a perfecting amendment to an amendment in the nature of a substitute, striking out all after the short title and inserting a new text, is adopted, further amendments to the text which has been perfected are not in order, but amendments are in order to add new language at the end of the amendment in the nature of a substitute as amended.

On May 16, 1979,(13) during consideration of H.R. 39(14) in the Committee of the Whole, the proceedings described above occurred as follows:

MR. [JOHN B.] BREAUX [of Louisiana]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment offered by Mr. Breaux to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries: Page 278: Strike out all after line 2 on page 278 through line 9 on page 622 and insert in lieu thereof the following: . . .

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:(15) The gentleman from Arizona will state his parliamentary inquiry.

MR. UDALL: Mr. Chairman, in the event that the pending amendment of the gentleman from Louisiana, which has been offered, is adopted, would that foreclose further perfecting amendments to the so-called Breaux-Dingell substitute?

THE CHAIRMAN: This pending amendment could not be further amended, but additional language could be added at the end of the Merchant Marine and Fisheries Committee amendment in the nature of a substitute.

Amendment Changing Both Amended and Unamended Portions of Text or Amendment

§ 29.42 While it is not in order to amend merely that portion of a pending text which has already been changed by amendment, an amendment changing not only the amended portion but also parts of the original text

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13. 125 CONG. REC. 11369, 11420, 96th Cong. 1st Sess.

14. Alaska National Interest Lands Conservation Act of 1979.

15. Paul Simon (Ill.).

not yet amended would still be in order.

On May 2, 1979,(16) the Committee of the Whole having under consideration House Concurrent Resolution 107,(17) the above-stated proposition was illustrated as indicated below:

MR. CHARLES H. WILSON of California: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:(18) The gentleman will state the parliamentary inquiry.

MR. CHARLES H. WILSON of California: Mr. Chairman, if the Simon amendment affects the spend-out rate for the national defense category, Number 050 in fiscal year 1980; therefore, if it is adopted, does that mean that any further amendments to the national defense category for fiscal year 1980 would not be in order?

THE CHAIRMAN: The Chair would like to advise the gentleman from California (Mr. Charles H. Wilson) that on a previous budget resolution the distinguished gentleman from Missouri (Mr. Bolling) in occupying the chair ruled on a similar question. The Chair will paraphrase a portion of the ruling on that occasion as follows:

> While it is not in order to amend merely that portion of a pending text which has already been changed by amendment, an amendment changing not only the amended portion but also parts of the original text not yet amended would still be in order.

§ 29.43 An amendment to an amendment is not subject to amendment while pending (as in the 3rd degree), and if adopted precludes further amendments only changing the text which has been perfected; but after adoption amendments are in order which add language to an unamended portion (at the end) of the original amendment as amended.

On May 16, 1979,(19) the Committee of the Whole having under consideration H.R. 39,(20) the above-stated proposition was illustrated as indicated below:

MR. [JAMES] WEAVER [of Oregon]: Mr. Chairman, I just wanted to ask a parliamentary inquiry.

THE CHAIRMAN:(1) The gentleman will state the parliamentary inquiry.

MR. WEAVER: Mr. Chairman, this amendment we have before us is not amendable?

THE CHAIRMAN: That is correct. It does not preclude——

MR. WEAVER: New sections?

THE CHAIRMAN (continuing): Amendments added to the end of the Merchant Marine bill.

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16. 125 CONG. REC. 9530, 96th Cong. 1st Sess.
17. The first concurrent resolution on the Budget, fiscal 1980.
18. William H. Natcher (Ky.).
19. 125 CONG. REC. 11422, 96th Cong. 1st Sess.
20. Alaska National Interest Lands Conservation Act of 1979.
1. Paul Simon (Ill.).

MR. WEAVER: But the language in it cannot be amended, cannot be further perfected?

THE CHAIRMAN: That is correct.

MR. WEAVER: If we find imperfections in the bill, in this amendment, they could not then further be changed? The imperfecions would have to stand; is that correct?

THE CHAIRMAN: Direct amendments would be precluded; but the gentleman from Oregon or any Member could offer amendments at the end of the Merchant Marine and Fisheries bill.

Amendment Striking Out Language of Adopted Amendment Plus Additional Language

§ 29.44 Where there was pending an amendment in the nature of a substitute and an amendment thereto, the Chair indicated in response to a parliamentary inquiry that adoption of the perfecting amendment would not preclude the offering of another perfecting amendment striking out the language inserted by the adopted amendment plus additional language in the amendment in the nature of a substitute (and inserting new matter).

On Sept. 11, 1974,(2) during consideration in the Committee of the Whole of a bill,(3) the Chair responded to a parliamentary inquiry regarding the offering of an amendment, as described above. The proceedings were as follows:

MR. [ROBERT W.] KASTENMEIER [of Wisconsin]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Arizona (Mr. Udall).

The Clerk read as follows:

> Amendment offered by Mr. Kastenmeier to the amendment in the nature of a substitute offered by Mr. Udall: On page 29, after line 11, insert the following:
>
> "(c) The Administrator, when he determines that the public interest will be served thereby, may waive all or any part of the rights of the United States in favor of a nonprofit educational institution. . . .

MR. [CRAIG] HOSMER [of California]: Mr. Chairman, if the amendment now pending should pass would it nevertheless still be in order for an amendment of this nature to be offered; namely, that the entire section 7 be stricken and that the matter be subject to a study?

THE CHAIRMAN PRO TEMPORE:(4) The amendment as suggested by the gentleman from California would be in order.

§ 29.45 Although it is not in order to propose to strike out an amendment already agreed to, an amendment striking out not only an amendment previously agreed to but also additional portions of the bill is in order.

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(2) 120 CONG. REC. 30648, 30649, 93d Cong. 2d Sess.

(3) H.R. 13565, the nonnuclear energy source research and development program.

(4) J. Edward Roush (Ind.).

Where the first section of a title of a bill being read by titles was modified by striking that section and inserting new language an amendment to strike that section and two additional sections of that title not so altered was held in order. The proceedings on Aug. 1, 1975,(5) were as follows:

Mr. [Clarence J.] Brown of Ohio: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Brown of Ohio: Strike out sections 301, 302, 303.
>
> Renumber the succeeding sections of title III accordingly. . . .

Mr. [John D.] Dingell [of Michigan]: Mr. Chairman . . . I renew simply the point of order that I had made earlier against the prior amendment by observing that this is again an attempt to undo actions taken already by the House, as the Chair well noted when it ruled just now on the prior attempt to remove section 301, which failed. . . .

Mr. Brown of Ohio: . . . Mr. Chairman, this amendment does not stand on the same point that the previous amendment stood on. This amendment strikes two additional sections, sections 302 and 303. The present section 303 in the title has not been touched by amendment during the amending process, the prohibition on pricing facts being sent to the President, and is a section which has not been amended by the Committee of the Whole during consideration of title III. . . .

Mr. [Bob] Eckhardt [of Texas]: Mr. Chairman, I believe the gentleman from Ohio misconceives the basis of the original point of order, since this amendment includes the striking of a section of the bill that has been completed, and has been amended and completed and includes another section of the bill that has been amended and completed. It is for those reasons subject to a point of order. The fact that it may include other matter that has not been amended and completed does not free it from the objection raised on the first point of order.

The Chairman:(6) The Chair is ready to rule.

As to the argument on the amendment by the gentleman from Texas, the Chair feels that it will disagree with that.

The Chair now refers to volume 8, page 446, section 2855 of Cannon's Precedents (where) it states that while an amendment which has been agreed to may not be modified, a proposition to strike that language from the bill with other language of the original text is in order.

Some language of the original text remains in section 303. Therefore the point of order raised by the gentleman from Michigan (Mr. Dingell) is not good, and the Chair overrules the point of order.

§ 29.46 While an amendment which has been agreed to may not be modified, an amendment to strike it from the bill to-

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5. 121 Cong. Rec. 26947, 94th Cong. 1st Sess. Under consideration was H.R. 7014, Energy Conservation and Oil Policy Act of 1975.

6. Richard Bolling (Mo.).

gether with other language of the original text and to insert new text is in order.

In the instance set out below, during consideration of a bill(7) in the Committee of the Whole, an amendment which had previously been agreed to was stricken. The amendment, agreed to on Sept. 29, 1975, stated:(8)

> Amendment offered by Mr. [Bill] Alexander [of Arkansas]: Page 12, strike out line 20 and all that follows through page 13, line 6, and insert in lieu thereof the following:
>
> Sec. 2. (a)(1) Section 2401(a) of title 39, United States Code, is amended to read as follows:
>
> "(a)(1) There are authorized to be appropriated to the Postal Service for the fiscal year ending June 30, 1976, such sums as may be necessary to enable the Postal Service to carry out the purposes, functions, and powers authorized by this title.". . .

On Oct. 30,(9) the following proceedings took place:

> **Mr. [James M.] Hanley** [of New York]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Hanley: Strike out section 2, as amended, in its entirety, and insert in lieu thereof the following:
>
> Sec. 2. (a) Section 2401 (b)(1)(G) of title 39, United States Code, is amended to read as follows:
>
> "(G) for each fiscal year after fiscal year 1984, an amount equal to 5 percent of such sum for fiscal year 1971, except that the Postal Service may reduce the percentage figure, including a reduction to 0, if the Postal Service finds that the amounts are no longer required to operate the Postal Service in accordance with the policies of this title.
>
> (b) Paragraph 2 of subsection (b) of section 2401 of title 39, United States Code, is amended to read as follows:
>
> "(2)(A) As further reimbursement to the Postal Service for public service costs incurred by it, there is authorized to be appropriated to the Postal Service for the period commencing on July 1, 1975, and ending on September 30, 1976, an amount not to exceed $1.5 billion. . . .
>
> **Mr. Alexander**: Mr. Chairman, I reserve a point of order that the amendment in the nature of a substitute offered by the gentleman from New York (Mr. Hanley) is not in order in that it seeks to change an amendment that has been previously adopted in the Committee of the Whole. . . .
>
> **Mr. Hanley**: Mr. Chairman, in opposition to the point of order, while it is generally true that an amendment once agreed to may not be modified, the parliamentary situation at the present time dictates otherwise.
>
> I cite from section 28.6 of chapter 27 of Deschler's Procedure in the U.S. House of Representatives:
>
> § 28.6. While an amendment which has been agreed to may not be modified, an amendment to strike it from the bill with other language of the original section and insert new text is in order. 118 Cong. Rec. 16843, 16852, 92d Cong. 2d Sess., May 11, 1972 [H.R. 7130].

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7. H.R. 8603, Postal Reorganization Act Amendments of 1975.
8. 121 Cong. Rec. 30767, 30772, 94th Cong. 1st Sess.
9. *Id.* at p. 34415.

It appears clear, then, that my amendment is indeed in order. . . .

THE CHAIRMAN:(10) The gentleman from Arkansas (Mr. Alexander) has made a point of order against the amendment offered by the gentleman from New York (Mr. Hanley) on the basis that section 2 has been amended and, thus, further amendments thereto are not in order.

On September 29, 1975, the Committee adopted the Alexander amendment to section 2 of the bill. At that time the Chairman noted that the amendment was a perfecting amendment to section 2, altering parts thereof and leaving other provisions unchanged. While it would not be in order at this time to offer an amendment to the Alexander amendment, nevertheless, an amendment striking from the bill that amendment together with other language of the original bill and inserting new text is in order and, therefore, the point of order is overruled.

Reoffering Amendment Previously Offered and Adopted as Amended by a Substitute

§ 29.47 While it is not in order to offer an amendment merely changing the text of a proposition perfected by amendment or to offer an amendment identical to one which has been defeated, a Member may re-offer an amendment which he has previously offered and which has been adopted as amended by a substitute, where the amendment is more extensive than the substitute which was adopted in its place.

On Apr. 27, 1977, the Committee of the Whole had under consideration the first concurrent resolution on the budget for fiscal 1978, House Concurrent Resolution 195. Mr. Otis G. Pike, of New York, offered a perfecting amendment(11) which struck out certain figures and inserted others in their place, with respect to provisions relating to such items as total new budget authority; appropriate level of total budget outlays; appropriate level of the public debt; increase in the statutory limit on public debt; budget authority and outlays for national defense; and a category, "allowances," a portion of which related to pay increases for certain executive employees and federal judges.

Mr. Omar Burleson, of Texas, offered an amendment(12) as a substitute for the Pike amendment, which affected most, but not all, of the figures in the Pike amendment. The Burleson amendment, and the Pike amendment as so amended, were agreed to.(13)

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10. Walter Flowers (Ala.).

11. 123 CONG. REC. 12483, 95th Cong. 1st Sess.

12. *Id.* at p. 12485.

13. *Id.* at pp. 12503, 12504.

Subsequently, Mr. Pike offered an amendment[14] that was in its scope and effect substantially the same as the amendment he had previously offered. (It should be noted that technical changes had been made in the figures of the amendments so that they were in conformity with amendments adopted after the Pike amendment as amended by the Burleson substitute.) He explained the effect of his proposed amendment as follows:

> MR. PIKE: Mr. Chairman, when we entered the Chamber yesterday, the Budget Committee had a budget resolution which called for a deficit of $64.3 billion. At the moment we have a resolution which calls for a deficit of $68.6 billion. In 2 days we have added $4.3 billion to the deficit. Mr. Chairman, everybody talks about national priorities, and obviously we have different views of what our national priorities are. It is obvious that things for defense and for veterans are high on our list of national priorities, and things for the benefit of social welfare programs are low on our list of national priorities, because that is the way we voted here. Frankly, I have voted against all of the amendments which increased the budget and increased the budget deficit, and I am a little embarrassed that I am again offering an amendment which reduces ths budget and reduces the budget deficit. This is the same amendment which I offered earlier. It reduces spending in two categories—allowances and defense—a total of $130 million, which is the amount of the 29 percent or 28 percent pay raise which people in those categories outside of the Congress got. We have discussed it already. The committee accepted it once. It got wiped out by the Burleson amendment.

After debate on the Pike amendment, the amendment was rejected.

Special Rule Permitting Amendments Which Change Portions of Amendments Previously Agreed To

§ 29.48 While under general procedure an amendment may not be offered which directly changes an amendment already agreed to, where the House has adopted a special rule permitting amendments to be offered even if changing portions of amendments already agreed to that principle does not apply.

Where the House had adopted a special rule permitting amendments to be offered although changing portions of the text of amendments already agreed to, the Chair overruled a point of order against an amendment changing provisions already amended. The proceedings of Nov.

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14. *Id.* at p. 12521.

30, 1982,(15) in the Committee of the Whole were as follows:

Mr. [Edward J.] Markey [of Massachusetts]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Markey: In section 114(a)(3), strike out "and legislature" and insert in lieu thereof "or legislature".
>
> In section 115(a), strike out "and legislature" and insert in lieu thereof "or legislature". . . .

Mr. [James T.] Broyhill [of North Carolina]: Mr. Chairman, I reserve a point of order on the amendment. . . .

[T]he point of order is that the language that we adopted on yesterday has already amended the sections and has stricken out "legislature," and thus this amendment would not be in order, since it is action on amendments and sections that have already been amended. . . .

Mr. [Richard L.] Ottinger [of New York]: Mr. Chairman, I think the amendment is clearly in order, because under the rule that was adopted for consideration of this bill, House Resolution 601, on page 3, in lines 14, 15, and 16, it says: "and all such amendments shall be in order even if changing portions of the text of said substitute already changed by amendment.". . .

The Chairman:(16) Is there any further discussion on the point of order? If not, the Chair will rule pursuant to the rule that was adopted on page 3, lines 14 through 16, it clearly states that all such amendments shall be in order even if changing portions of the text of said substitute already changed by amendment. And therefore, the point of order is not well taken, and it is overruled.

Special Rule Making Two Amendments in Order But Not Waiving Points of Order Against Second Following Adoption of First

§ 29.49 During consideration of a special order reported from the Committee on Rules providing a "modified open" rule "making in order" only two amendments to a particular section of a bill, but not waiving points of order against the second offered amendment following adoption of the first, the Chair recognized the minority leader to request unanimous consent to permit the offering of a minority Member's amendment notwithstanding its possible change of an amendment already adopted (the last adopted amendment to be reported to the House).

On Oct. 19, 1983,(17) during consideration of House Resolution 329

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15. 128 Cong. Rec. 28049, 97th Cong. 2d Sess. Under consideration was H.R. 3809, Nuclear Waste Policy Act.

16. Leon E. Panetta (Calif.).

17. 129 Cong. Rec. 28307, 98th Cong. 1st Sess.

in the House, the proceedings described above occurred as follows:

> Mr. [Robert H.] Michel [of Illinois]: I should like to alert the other side to my making a rather unusual, a very unusual unanimous-consent request, and it would be this, Mr. Speaker: that I ask unanimous consent that during the consideration of H.R. 2968 in the Committee of the Whole, Mr. Robinson of Virginia be permitted to offer, as his amendment to section 108 provided for in House Resolution 329, an amendment to strike out that section in its entirety and insert a new section, even if an amendment to strike out that section in its entirety and insert a new section has already been adopted, and that only the last such amendment in the nature of a substitute for the section, which has been adopted, shall be reported back to the House.

Parliamentarian's Note: A special order "making in order" an amendment offered by a designated Member but not specifically waiving points of order does not permit consideration of the amendment unless in conformity with the general rules of the House. In the above case, the unanimous consent request to permit consideration of the amendment was objected to by the manager of the special order on the basis that it constituted a major change in the special order reported from the Committee on Rules.

Rejection of Amendment Made in Order by Special Rule Which Prohibited Further Amendment in Event Amendment Was Adopted

§ 29.50 Where a special order adopted by the House makes in order an amendment to strike out a portion of a bill and to insert new text, and prohibits amendments to that amendment or further amendments changing that portion of the bill if the designated amendment is adopted, further amendments to that portion of the bill, including a motion to strike, are in order if the designated amendment is rejected.

On Sept. 14, 1978,(18) the Chairman of the Committee of the Whole responded to several parliamentary inquiries concerning the procedure for offering amendments under the special rule providing for consideration of the bill H.R. 8729.(19) The proceedings were as follows:

> Mr. [William A.] Steiger [of Wisconsin]: . . . If the amendment from the Committee on Ways and Means is adopted, is a motion to strike title III in order?

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18. 124 Cong. Rec. 29477, 95th Cong. 2d Sess.
19. Aircraft Noise Reduction Act.

THE CHAIRMAN:(20) It would not be in order in that event.

MR. STEIGER: If the amendment from the Ways and Means Commitee is rejected, is a motion to strike title III in order?

THE CHAIRMAN: The Chair will advise the gentleman that in the event the pending Ways and Means Committee amendment made in order under the rule were to be rejected, then germane amendments to title III would be in order, including a motion to strike.

Rejection of Substitute and Amendment Thereto

§ 29.51 Where the House adopts an amendment to a substitute and then rejects the substitute, the amendment to the substitute also falls.

On Apr. 29, 1947,(1) the following proceedings took place:

> THE CHAIRMAN:(2) The question is on the amendment offered by the gentleman from South Dakota [Mr. Mundt] to the Colmer substitute.
>
> The amendment was agreed to.
>
> THE CHAIRMAN: The question is on the Colmer substitute as amended by the Mundt amendment. . . .
>
> MR. [KARL E.] MUNDT: So that we can clear up the situation, may I inquire of the Chair if it is not true that if we should now vote down the Colmer amendment it would also vacate the amendment which we just approved so overwhelmingly?
>
> THE CHAIRMAN: That is correct.

Substitute for Senate Bill

§ 29.52 Where the Committee of the Whole had adopted several committee amendments to a Senate bill, an amendment in the nature of a substitute for the entire bill which was similar to the Senate version of the bill but contained corrective changes was held to be in order.

On Apr. 21, 1948,(3) the following proceedings took place:

> Amendment offered by Mrs. [Margaret Chase] Smith of Maine: Strike out all after the enacting clause of Senate 1641 and insert in lieu thereof the following:
>
> > That this act may be cited as the "Women's Armed Services Reserve Act of 1948.". . .
>
> MR. [OVERTON] BROOKS [of Louisiana]: The Committee just voted a committee amendment which strikes out the amendment proposed by the gentlewoman from Maine, and which approves the House Armed Services Committee version of this bill. Now, is it in order to vote again on the Senate version of the bill, which has been stricken out by the House under those circumstances?

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20. Gerry E. Studds (Mass.).
1. 93 CONG. REC. 4232, 4233, 80th Cong. 1st Sess. Under consideration was H.J. Res. 153, relating to relief assistance to the people of countries devastated by war.
2. George B. Schwabe (Okla.).
3. 94 CONG. REC. 4711, 80th Cong. 2d Sess. Under consideration was S. 1641, Women's Armed Services Reserve Bill for 1948.

The Chairman:[4] The Chair understands the amendment offered by the gentlewoman from Maine is different from the Senate version or the House bill.

Rejection by House of Amendment Reported From Committee of the Whole; Effect on Underlying Perfecting Amendment

§ 29.53 Where a perfecting amendment adopted in Committee of the Whole is superseded by adoption of an amendment in Committee striking out the section comprehending the perfecting amendment, the perfecting amendment is not reported to the House, and the bill returns to the form as originally introduced upon rejection by the House of the amendment reported from Committee of the Whole.

On Aug. 4, 1976,[5] the Committee of the Whole having reported a bill[6] back to the House with amendments, the proceedings described above occurred as indicated below:

The Speaker:[7] Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. [Melvin] Price [of Illinois]: Mr. Speaker, I demand a separate vote on the so-called Bingham amendment. . . .

The Speaker: The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

> Amendment: Starting on page 1, line 5, delete sections 2 and 3 of the bill, and renumber section 4 as section 2. . . .

[The amendment was rejected.]

Mr. [John B.] Anderson of Illinois: Mr. Speaker, I offer a motion to recommit.

The Speaker: Is the gentleman opposed to the bill?

Mr. Anderson of Illinois: I am, Mr. Speaker, in its present form.

The Speaker: The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Anderson of Illinois moves to recommit the bill H.R. 8401 to the House Members of the Joint Committee on Atomic Energy with instructions to report back to the House forthwith with the following amendments: . . .
>
> On page 2, line 20 strike all after "public;" and insert the following: "*Provided, however,* That the guarantees under any such cooperative arrangement which would subject the Government to any future contingent liabilities for which the Government would not be fully reimbursed shall be limited to the assurance that the Government-furnished technology and equipment will work as promised by the Government over a mutually-agreed-to and reasonable period of initial commercial operation.". . .

---

[4] Gordon Canfield (N.J.).

[5] 122 Cong. Rec. 25425–27, 94th Cong. 2d Sess.

[6] H.R. 8401, the Nuclear Fuel Assurance Act.

[7] Carl Albert (Okla.).

Mr. [Albert H.] Quie [of Minnesota]: . . . I support private business getting into the nuclear fuel enrichment business but I oppose the guarantees provided in subsections 4 and 5 of section 45(a). . . .

In listening to the motion to recommit, am I right that the gentleman's motion to recommit in effect negates subsections 4 and 5 on page 3 of the bill?

Mr. Anderson of Illinois: The gentleman is correct. . . .

The Bingham amendment struck sections 2 and 3. Even with the defeat of that amendment, we are now back to the original committee bill in its unamended form. We must put back in the bill with this motion to recommit any sections that provide for prior congressional approval of any contract that provides that there can be no contingent liability on the part of the Government, save that provided for in an appropriation bill, plus the additional language which I just read to the Members which will assure that we are limiting this to a warranty of technology. . . .

Mr. Price: . . . What the gentleman from Illinois is saying is that unless we do recommit the bill with instructions, we will go back to the original bill before it was worked on in the Joint Committee and amended in a way that was palatable to the House and which caused the House eventually to support it. Is that correct?

Mr. Anderson of Illinois: The gentleman has stated the parliamentary situation correctly. We will be back to the committee bill before we had amended it with those committee amendments which were accepted without dissent in the Committee of the Whole. Because those sections as amended were stricken, even though we defeated the Bingham amendment, we must now go back and assure this House that we report this bill to this House in a form that contains the provisions for a 60-day congressional review.

Parliamentarian's Note: House Resolution 1242 had specifically waived points of order under Rule XVI clause 7, to permit the consideration of the amendment recommended by the Joint Committee on Atomic Energy printed in the bill. (The amendment was not germane, because it provided for a rules change to permit privileged consideration of resolutions of disapproval, whereas the original bill provided no such mechanism.) While the precedents indicate that a motion to recommit a bill with instructions may not direct the committee to report back forthwith with a nongermane amendment, it is nevertheless true that an amendment incorporated in such a motion is in order if it would have been in order to consider that recommended amendment as an amendment to the bill. Since the text of the motion to recommit was identical to the committee amendment protected by the waiver, the motion to recommit was in order in the form indicated above.

Motion To Recommit With Instructions

§ 29.54 A motion to recommit may not include instructions to modify an amendment previously agreed to by the House in the absence of a special rule permitting a motion to recommit with or without instructions.

On Apr. 5, 1967,[8] the following proceedings took place:

The Clerk read as follows:

> Mr. [John M.] Ashbrook [of Ohio] moves to recommit the resolution (H. Res. 221) to the Committee on House Administration with instructions to report the resolution forthwith with the following amendment: On page 1, line 5, strike out "$350,000" and insert in lieu thereof "$400,000.". . .

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, I make a point of order against the motion to recommit on the grounds that the House has just adopted the committee amendment to cut the amount from $400,000 to $350,000. The gentleman now offers a motion to recommit to restore it from the $350,000 to $400,000 and it is clearly out of order. . . .

THE SPEAKER:[9] The Chair will call attention to that fact that the previous question was ordered and the amendments were adopted by the House.

It is not in order to do indirectly by a motion to recommit with instructions that which may not be done directly by way of amendment.

An amendment to strike out an amendment already adopted is not in order. The subject matter of the motion to recommit has already been passed upon by the House.

The Chair sustains the point of order.

Amendment Relating to a Previous Enactment

—Amendment to Resolution Previously Adopted

§ 29.55 The House, by resolution, amended a resolution previously adopted and enlarged the investigative jurisdiction of a standing committee for the 85th Congress.

The following proceedings took place on Mar. 14, 1957:[10]

The Clerk read as follows:

> HOUSE RESOLUTION 197
>
> *Resolved,* That House Resolution 99, 85th Congress, is amended by striking out the words "within the United States". . . .

MR. [HOWARD W.] SMITH of Virginia: . . . Mr. Speaker, the Committee on Rules so far this session has not granted foreign travel privileges to any committee. We have, however, included in the resolution the right to visit any offshore territories and possessions. Inadvertently that was omitted from the resolution of the Interstate and Foreign Commerce

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[8] 113 CONG. REC. 8441, 8442, 90th Cong. 1st Sess. Under consideration was H. Res. 221.

[9] John W. McCormack (Mass.).

[10] 103 CONG. REC. 3722, 85th Cong. 1st Sess.

Committee and this merely corrects that oversight. It is unanimously approved by the Committee on Rules....

The resolution was agreed to and a motion to reconsider was laid on the table.

—*Similarity of Amendment to Bill Already Passed*

§ 29.56 A point of order against an amendment to a bill cannot be based on the ground that the provisions of the amendment have already been passed by the House as part of another bill.

On June 20, 1962,(11) the following proceedings took place:

> Amendment offered by Mr. [Henry S.] Reuss [of Wisconsin]: Page 2, line 13, after line 12, strike out lines 13, 14, and 15 and insert the following: . . .
>
> MR. [H. CARL] ANDERSEN of Minnesota: May I ask the gentleman from Wisconsin if this is not the same amendment that has already been passed on by the House and is now lying over in the Senate in the form of a separate bill?
>
> MR. REUSS: The language of this is identical.
>
> MR. ANDERSEN of Minnesota: Mr. Chairman, I make the point of order that this particular amendment has already cleared the House and is awaiting action in the other body which does not care to act upon the matter. It has no place in the bill. . . .
>
> THE CHAIRMAN:(12). . . The question raised by the gentleman from Minnesota was raised when the same question came up last year. The Chairman at that time overruled the point of order holding that it was germane.
>
> The point of order is overruled.

§ 29.57 The Committee of the Whole and not the Chair decides whether it should adopt an amendment consisting of the exact language agreed to in a bill previously passed by the House.

On May 13, 1946,(13) the following proceedings took place:

> Amendment offered by Mr. [Dewey] Short [of Missouri]: Strike out all after the enacting clause of Senate Joint Resolution 159 and insert the following: . . .
>
> MR. [WALTER G.] ANDREWS of New York: Mr. Chairman, I make a point of order against the amendment just offered by the gentleman from Missouri on the ground that the exact language in another bill has been acted on favorably by the House.
>
> THE CHAIRMAN:(14) The Chair states to the gentleman from New York [Mr. Andrews] that that is a matter for the Committee to pass on, not the Chairman. The Chair overrules the point of order.

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11. 108 CONG. REC. 11211, 87th Cong. 2d Sess. Under consideration was H.R. 11222.
12. Francis E. Walter (Pa.).
13. 92 CONG. REC. 4957, 79th Cong. 2d Sess. Under consideration was S.J. Res. 159, extension of the Selective Training and Service Act.
14. Alfred L. Bulwinkle (N.C.).

§ 30. Adoption of Amendment as Affecting Motions To Strike or To Strike and Insert

Adoption of Perfecting Amendment as Affecting Vote on Pending Motion To Strike Text

§ 30.1 Where there is pending a motion to strike out a title of a bill and a perfecting amendment (changing the entire title) is then offered and agreed to, the motion to strike the title falls and is not voted upon, and further perfecting amendments to the title are no longer in order.

On Sept. 23, 1975,(15) the Committee of the Whole having under consideration a bill,(16) the proceedings, described above, were as follows:

MR. [LOUIS] FREY [Jr., of Florida]: Mr. Chairman, for the third time, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Frey: Page 356, line 6, strike out title VIII and all that follows through page 365, line 18. . . .

MR. [JOHN E.] MOSS [of California]: Mr. Chairman, I offer an amendment as a perfecting amendment to the title.

The Clerk read as follows:

> Amendment offered by Mr. Moss: Page 356, strike out line 7 and all that follows down through line 18 on page 365 and insert in lieu thereof the following:
>
> Sec. 801. (a) The Comptroller General may conduct verification audits with respect to the books and records of—
>
> (1) any person who is required to submit energy information to the Federal Energy Administration, the Department of the Interior, or the Federal Power Commission pursuant to any rule, regulation, order, or other legal process of such Administration, Department, or Commission. . . .

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 233, noes 162, not voting 38. . . .

THE CHAIRMAN:(17) The Chair wishes to announce that the amendment of the gentleman from Florida (Mr. Frey) falls because an amendment in the nature of a substitute for the title was adopted. The Frey amendment, therefore, would not be voted on. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, was the amendment introduced as a substitute for the Frey amendment or was it introduced as an amendment to the pending title of the bill?

---

15. 121 CONG. REC. 29827, 29829, 29835, 29836, 94th Cong. 1st Sess.

    For further discussion of circumstances in which a vote may or may not be taken on a pending motion to strike, after perfecting amendments to the text have been agreed to, see § 17, supra.

16. H.R. 7014, Energy Conservation and Oil Policy Act of 1975.

17. Richard Bolling (Mo.).

The Chairman: The Chair will state the amendment was introduced as an amendment in the nature of a substitute striking out the title and inserting new language. The amendment offered by the gentleman from Florida (Mr. Frey) was a motion to strike the title. Since the title in its present form has been changed in its entirety the motion to strike falls and is not in order (Cannon's VIII, § 2854).

Mr. Brown of Ohio: Mr. Chairman, a further parliamentary inquiry.

The Chairman: The gentleman will state his parliamentary inquiry.

Mr. Brown of Ohio: Mr. Chairman, my parliamentary inquiry is this: Is an amendment to title VIII now in order?

The Chairman: The Chair will state that the title has been amended in its entirety and no amendment to it is in order.

§ 30.2 Where there is pending a motion to strike out a section, and a perfecting amendment (to strike the section and insert new language) is then offered and agreed to, the motion to strike the section falls and is not voted upon, and a renewed motion to strike the section is not in order since the section has been amended in its entirety.

On Sept. 24, 1975,[18] during consideration of a bill[19] in the Committee of the Whole, the Chair responded to a parliamentary inquiry regarding the proceedings described above.

The Clerk read as follows:

> Amendment offered by Mr. McCollister: Page 20, strike out lines 8 through 22. Redesignate the succeeding sections accordingly. . . .

Mr. [John E.] Moss [of California]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

> Amendment offered by Mr. Moss: Page 20, strike out lines 8 through 22 and insert in lieu thereof the following:
>
> COMPLIANCE TESTS
>
> Sec. 11. Section 7(a) of the Consumer Product Safety Act (15 U.S.C. 2056(a)) is amended (1) by inserting "(1)" after "(a)". . . and (3) by adding at the end the following new paragraph:
>
> "(2) No consumer product safety standard promulgated under this section shall require, incorporate or reference any sampling plan. . . .

---

[18] 121 Cong. Rec. 30092, 30097, 30098, 94th Cong. 1st Sess.

For further discussion of circumstances in which a vote may or may not be taken on a pending motion to strike, after perfecting amendments to the text have been agreed to, see § 17, supra.

[19] H.R. 6844, Consumer Product Safety Commission Improvements Act of 1975.

Mr. [Lionel] Van Deerlin [of California]: Mr. Chairman, a parliamentary inquiry.

The Chairman:(20) The gentleman will state it.

Mr. Van Deerlin: Pending before the Committee is a substitute amendment by the gentleman from California (Mr. Moss) to section 11 of the bill having to do with the system of sampling.

My parliamentary inquiry is this. In the event that the Committee votes favorably on the Moss substitute to this section, would there then be an ensuing vote on the McCollister motion to strike, or would we then be finished with the activities for this evening, it being the intention to rise as soon after 6 o'clock p.m. as possible?

The Chairman: The amendment offered by the gentleman from Nebraska would not be voted on in the event the amendment offered by the gentleman from California (Mr. Moss) is sustained. . . .

Mr. [James T.] Broyhill [of North Carolina]: Mr. Chairman, if the Moss amendment were to be adopted, would a motion to strike then be in order?

The Chairman: The answer is "no." The motion to strike would fall.

Mr. Broyhill: I am talking about a new motion to strike.

The Chairman: No, it would not. The section would have been amended in its entirety.

§ 30.3 While the adoption of an amendment changing all the text of a section precludes a vote on a pending motion to strike out that section, the motion to strike will still be voted on where the perfecting amendment to the section changes some but not all of that text.

On Sept. 29, 1975,(21) the Committee of the Whole having under consideration H.R. 8630,(1) several parliamentary inquiries were directed to the Chair, as indicated below:

Mr. [Edward J.] Derwinski [of Illinois]: Mr. Chairman, I have a parliamentary inquiry.

The Chairman:(2) The gentleman will state it.

Mr. Derwinski: If the Alexander substitute is agreed to, what is the effect of the substitute on my original amendment to section 2 of the bill?

The Chairman: In answer to the gentleman's parliamentary inquiry, the gentleman will state that if the Alexander perfecting amendment is agreed to, it appears that the gentleman's motion to strike might not be voted on.

Mr. Derwinski: Section 2 would then remain in the bill?

---

20. Bob Bergland (Minn.).

21. 121 Cong. Rec. 30770, 94th Cong. 1st Sess.

For further discussion of circumstances in which a vote may or may not be taken on a pending motion to strike, after perfecting amendments to the text have been agreed to, see § 17, supra.

1. Postal Reorganization Act Amendments of 1975.

2. Walter Flowers (Ala.).

THE CHAIRMAN: Section 2 would remain in the bill as amended by the gentleman's perfecting amendment....

The Chair would like to make a clarification on the ruling it made earlier. It now appears to the Chair that the perfecting amendment of the gentleman from Arkansas does not perfect or replace the entire section 2 of the bill; that even if the gentleman's amendment is agreed to there would still be a vote on the motion of the gentleman from Illinois to strike the entire section; so with that clarification of the Chair, are there further amendments?

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, may we have a reclarification of the Chairman's ruling, because that is different than what the Chair said a minute ago?

THE CHAIRMAN: That is what the Chair was stating, if the gentleman will allow the Chair to restate it. After the amendment of the gentleman from Arkansas is voted upon, should it be agreed to by the Committee, then the question before the Committee would be the motion to strike offered by the gentleman from Illinois (Mr. Derwinski). That would then be voted upon. If the gentleman's amendment is voted down, we would likewise have a vote on the motion of the gentleman from Illinois.

—Vote on Pending Motion To Strike Text After Portion of Text Has Been Amended

§ 30.4 The adoption of a perfecting amendment to a portion of the text of a bill does not preclude a vote on a pending motion to strike out that entire text as amended.

The ruling of the Chair on Oct. 5, 1972,(3) was that the vote on a pending motion to strike out a section of a bill is not precluded by the adoption of a perfecting amendment which does not change the entire text of that section.

Ordinarily, of course, if a motion to strike out a section or paragraph and insert new language is agreed to, a pending amendment proposing to strike out the entire section or paragraph falls and is not voted upon.(4)

Striking Out Larger Portion of Text Including Adopted Amendment

§ 30.5 While it is not in order to strike out an amendment already agreed to, it is in order to strike out a larger portion of the paragraph which includes the amendment and insert a new paragraph of different meaning.

On May 2, 1940,(5) the following proceedings took place:

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3. 118 CONG. REC. 34130, 92d Cong. 2d Sess. Under consideration was H.R. 16656.
4. See § 31.11, infra.
5. 86 CONG. REC. 5451, 76th Cong. 3d Sess. Under consideration was H.R.

MR. [ROBERT] RAMSPECK [of Georgia]: Mr. Chairman, I make the point of order that the gentleman is undertaking to strike out of the bill language which the gentleman from Virginia has just written into it.

MR. [WILLIAM M.] WHITTINGTON [of Mississippi]: I strike out additional language, too. I have not offered any amendment at all to the amendment of the gentleman from Virginia. . . .

THE CHAIRMAN:(6) The gentleman makes the point of order that the proposed amendment of the gentleman from Mississippi seeks to strike out the amendment that was just adopted.

MR. WHITTINGTON: Mr. Chairman, I answered that by saying that I propose to strike out the language of the bill, and that point of order is not well taken. . . .

THE CHAIRMAN: . . . [T]he Chair overrules the point of order.

§ 30.6 It is not in order to strike out an amendment previously agreed to, but other words of the title, including the amendment, may be stricken to insert language of a different meaning.

On June 22, 1960,(7) the following amendment was offered to a bill(8) to amend the Agricultural Acts of 1938 and 1949:

The Clerk read as follows:

> Amendment offered by Mr. [Albert H.] Quie [of Minnesota]: On page 15, line 15, after the words "Title II", strike out the rest of line 15, lines 16 through 26, all of pages 16, 17, 18, 19, 20, 21, 22, and lines 1 through 15 on page 23, and insert in lieu thereof the following:
>
> "FEED GRAINS
>
> "Sec. 201. This Act may be cited as the 'Payment-in-Kind Act of 1960'.
>
> "Sec. 202. Effective beginning with the 1961 crops, the Secretary is directed to formulate and carry out a payment-in-kind program with respect to wheat. . . ."

A substitute amendment was offered:(9)

The Clerk read as follows:

> Amendment offered by Mr. [H. Carl] Andersen of Minnesota as a substitute for the amendment offered by Mr. Quie: On page 15, after line 16, insert:
>
> "Sec. 201. (a) As soon as practicable after the enactment of this Act, the Secretary shall conduct a referendum of producers. . . ."

The Andersen substitute (as amended) was adopted; then the Quie amendment as amended by the substitute was agreed to.(10)

On the next day,(11) the following proceedings took place:

5435, to amend the Fair Labor Standards Act of 1938. See also § 30.6, infra.

(6) Claude V. Parsons (Ill.).

(7) 106 CONG. REC. 13874, 86th Cong. 2d Sess. See also § 30.5, supra.

(8) H.R. 12261.

(9) 106 CONG. REC. 13875, 86th Cong. 2d Sess.

(10) *Id.* at p. 13880.

(11) 106 CONG. REC. 14061, 14062, 86th Cong. 2d Sess., June 23, 1960.

The Clerk read as follows:

> Amendment offered by Mr. [Gerald T.] Flynn [of Wisconsin]: On page 15, line 15, strike out all of title II commencing with the word "Title" on line 15 and continuing through the word "1965" on line 15 of page 23, and insert the following:
>
> "TITLE II—GENERAL PROVISIONS
>
> "Sec. 201. This Act may be cited as the 'Agricultural Production Stabilization Through Conservation Act.'
>
> "Sec. 202. It is hereby declared to be the policy of the Congress to eliminate the recurrence in the future of burdensome surpluses of agricultural production. . . ."

MR. ANDERSEN of Minnesota: Is the gentleman's amendment in order at this point after the substitute for the Quie amendment has been adopted?

THE CHAIRMAN:(12) It is.

MR. ANDERSEN of Minnesota: And its effect would be to undo everything that we did yesterday?

THE CHAIRMAN: The Chair does not pass on the effect of amendments.

§ 30.7 While an amendment which has been agreed to may not be modified, an amendment to strike it from the bill with other language of the original section and insert new text is in order.

On May 11, 1972,(13) during consideration of a bill(14) to amend the Fair Labor Standards Act of 1938, the following proceedings took place:

> Amendment offered by Mr. [John B.] Anderson of Illinois to the amendment in the nature of a substitute offered by Mr. Erlenborn: Page 2, line 13. Strike out "$2 an hour" and insert in lieu thereof the following: "$1.80 an hour. . . ."

So the amendment to the amendment in the nature of a substitute was agreed to. . . .

> Amendment offered by Mr. [Watkins M.] Abbitt [of Virginia] to the amendment in the nature of a substitute offered by Mr. Erlenborn of Illinois: Page 2, strike out lines 5 through 22 and insert in lieu thereof the following:
>
> Sec. 101. (a) Section 6(a) (29 U.S.C. 206(a)) is amended by striking out "(a) Every employer" and all that follows through paragraph (1) and inserting in lieu thereof the following: . . .

MR. [JOHN N.] ERLENBORN: Mr. Chairman, I now have a copy of the amendment. It apparently does amend the same language that the Anderson language has just amended. . . .

THE CHAIRMAN:(15) The Chair would like to read from page 13 of the Cannon's Procedure, 1957 edition. . . . It is not in order to—

> strike out an amendment already agreed to, but other words of the paragraph, including the amendment, may be stricken out to insert a new paragraph of different meaning.

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12. Frank N. Ikard (Tex.).
13. 118 CONG. REC. 16848, 16852, 92d Cong. 2d Sess.
14. H.R. 7130.
15. Richard Bolling (Mo.).

The amendment strikes out the entire section and inserts new language.

The Chair rules that the amendment is in order and overrules the point of order.

§ 30.8 While an amendment which has been agreed to may not be modified by further amendment, a motion to strike that amendment together with other language in the original bill is in order.

On Jan. 21, 1976,(16) where a sentence in a section of a bill had been amended, a further amendment to that section striking the language inserted by the previous amendment and striking additional language of the section was held in order. An amendment was first offered by Mrs. Patsy T. Mink, of Hawaii:

> **Mrs. Mink:** Mr. Chairman, I offer a technical amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mrs. Mink: On page 23, delete lines 8 through 11, and insert in lieu thereof the following: "coal within the tract. Public hearings in the area shall be held by the Secretary prior to the lease sale.
>
> "(D). No lease sale shall be held until after the notice of the proposed offering for".
>
> **Mrs. Mink:** Mr. Chairman, this is a simple technical amendment deleting words that would require some interpretation and evaluation, and change of the term "approval of a lease" to "lease sale" since that has a technical definition. I believe there is no objection from the other side.
>
> **The Chairman:**(17) The question is on the amendment offered by the gentlewoman from Hawaii (Mrs. Mink).
>
> The amendment was agreed to. . . .
>
> **Mr. [Philip E.] Ruppe** [of Michigan]: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Ruppe: Delete the sentences which begin and end on: Page 21, line 19 to Page 22, line 5; page 23, line 8 through line 9; page 26, line 9 through 11; and page 19, line 23 to page 20, line 4.
>
> Adding the following new section 8 and renumber subsequent sections accordingly:
>
> "Sec. 8(a). In preparing land-use plans, the Secretary of the Interior or, in the case of lands within the National Forest System, the Secretary of Agriculture shall consult with appropriate State and local officials, and shall provide an opportunity for public hearing on proposed land-use plans prior to their adoption, if requested by any person having an interest which is, or may be, adversely affected by the adoption of such plans.
>
> (b) Prior to a lease sale, the Secretary of the Interior shall consult with appropriate State and local officials. . . .
>
> **Mrs. Mink:** Mr. Chairman, I make the same point of order on this amendment that I made before, since it includes page 23, line 8 through line 9,

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16. 122 Cong. Rec. 502, 507, 94th Cong. 2d Sess. Under consideration was H.R. 6721, to amend the Mineral Leasing Act of 1920.

17. Charles H. Wilson (Calif.).

which has already been amended by the committee.

THE CHAIRMAN: Does the gentleman from Michigan (Mr. Ruppe) desire to be heard on the point of order?

MR. RUPPE: I do, Mr. Chairman.

Mr. Chairman, the amendment that I am offering is much broader, I believe, than simply the language that was offered initially by the gentlewoman from Hawaii (Mrs. Mink) in her amendment, because my amendment would strike out all of the named sections. It, therefore, constitutes a substantial change, one far beyond that of the perfecting amendment offered by the gentlewoman from Hawaii (Mrs. Mink).

I would refer to Deschler's Procedure, page 350, item 27.12, and I will read as follows:

> While it is not in order to amend an amendment already agreed to, the adoption of a perfecting amendment to a section does not preclude the offering of further perfecting amendments to other portions of the section or amendments broader in scope encompassing other portions of the section as well as the perfected portion.

THE CHAIRMAN: The Chair is prepared to rule.

In addition to Deschler's Procedure, Cannon's Precedents (volume 8, section 2855) provides that while an amendment which has been agreed to may not be modified, a motion to strike it from the bill with other language in the original section is in order.

The Chair therefore overrules the point of order. The amendment is in order.

—Committee Amendments Adding New Sections at End of Bill

§ 30.9 Where committee amendments adding new sections at the end of a bill have been adopted, an amendment proposing to strike out a section of the original bill and the new sections is not in order.

On Mar. 10, 1971,[18] the following proceedings took place:

The Clerk read as follows:

> Committee amendment: Page 2, after line 5, add the following:
>
> "Sec. 3. The Economic Stabilization Act of 1970 (title II of the Act of August 15, 1970 (Public Law 91-379)) is amended by inserting at the end thereof the following new section:
>
> " '§ 207. Authorization for appropriations. . . .' "

The committee amendment was agreed to. . . .

The Clerk read as follows:

> Committee amendment: Page 2, following section 3 add the following:
>
> "Sec. 4. . . ."

The committee amendment was agreed to. . . .

The Clerk read as follows:

> Amendment offered by Mr. [Garry E.] Brown of Michigan: Page 1, strike out line 8 and all that follows thereafter down through page 2, line 18, and insert in lieu thereof the following:
>
> "Sec. 2. The Economic Stabilization Act of 1970 (title II of the Act of August 15, 1970 (Public Law 91-379)), is amended to read as follows: . . ."

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[18] 117 CONG. REC. 5856-58, 92d Cong. 1st Sess. Under consideration was H.R. 4246.

Mr. [Wright] Patman [of Texas]: Mr. Chairman, my point of order is this: That we have passed, in the consideration of this bill, the part of the bill to which an attempt is being made to offer an amendment to the bill; therefore, it is not in order. It has been passed—rather, I mean the whole bill has been read. . . .

Mr. Brown of Michigan: . . . Mr. Chairman, I would suggest that the amendment I am offering on this occasion is to the very part that goes to sections 2, 3, and 4, in effect, because it replaces it with a totally different section 2.

Now, I would suggest, Mr. Chairman, that should the point of order raised by the gentleman from Texas be sustained, I will then merely offer a further amendment which will strike sections 3 and 4, which then clearly goes to the very section we are dealing with.

The Chairman:(19) . . . The amendment of the gentleman from Michigan is offered to section 2, which had been read, and to which amendments have been adopted. Two additional committee amendments, sections 3 and 4, have also been agreed to. The amendment of the gentleman from Michigan comes too late and the Chair sustains the point of order made by the gentleman from Texas. . . .

The Clerk read as follows:

> Amendments offered by Mr. Brown of Michigan: Page 1, strike out line 8 and all that follows thereafter.

Point of Order

Mr. Patman: Mr. Chairman, I make the point of order that the amendment comes too late. . . .

Mr. Brown of Michigan: Mr. Chairman, as I indicated earlier, to the extent that my amendment strikes out all of section 2 including sections 3 and 4 and all the rest of the bill, it had to relate to what is before the House at the present time.

The Chairman: . . . The amendment comes too late since it is an amendment to a section of the bill that has been passed.

Committee Amendment Adding New Paragraph to Subsection

§ 30.10 Where a committee amendment has added a new paragraph to a subsection, it is not in order to subsequently offer an amendment that merely strikes out that new paragraph.

On Oct. 9, 1985,(20) it was demonstrated that it is not in order to offer an amendment merely striking out an amendment previously agreed to. The proceedings in the Committee of the Whole were as follows:

The text of the remaining committee amendment to section 7 is as follows:

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19. George W. Andrews (Ala.).

20. 131 Cong. Rec. 26952, 26956, 26957, 99th Cong. 1st Sess. Under consideration was H.R. 3008, the Federal Pay Equity Act.

> Committee amendment: page 13, after line 9, add the following:
>
> (4) Also included under subsection (a)(2) shall be the Commission's determination as to whether any portion of any differential identified under subsection (b)(1) which cannot be accounted for by the application of job-content and economic analyses may be inconsistent with the general policy expressed in section 2(a) that sex, race, and ethnicity should not be among the factors considered in determining any rate of pay. . . .

Mr. [Charles W.] Stenholm [of Texas]: Mr. Chairman, I offered an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Stenholm: In section 7(c), strike out paragraph (4). . . .

Ms. [Mary Rose] Oakar [of Ohio]: Mr. Chairman, I raise a point of order at this time. I appreciate the work that the gentleman and I have done together on this issue, and we were happy to meet some of his concerns, but the amendment offered by the gentleman from Texas [Mr. Stenholm] proposed to amend the committee amendment to section 7 previously agreed to.

Accordingly, it is not in order. I call to the Chair's attention section 27.1 of chapter 27 of Deschler's Procedure which provides, quote:

> "It is fundamental that it is not in order to amend an amendment already agreed to."

Mr. Chairman, at this time, although I do look forward to working with the gentleman before we have final passage, I insist on my point of order. . . .

The Chairman Pro Tempore: The Chair then would be prepared to rule.

According to precedents, chapter 27, section 28.1 it is not in order to offer an amendment merely striking out an amendment previously agreed to.

Therefore the Chair would rule that the amendment of the gentleman is out of order.

Parliamentarian's Note: The same purpose, that of striking the inserted committee amendment, could be achieved by rejecting that committee amendment on a separate vote in the House, thereby deleting the inserted language.

New Section as Including and Omitting Amendments Previously Agreed To

§ 30.11 After agreeing to several amendments to section 1 of a bill, the Committee of the Whole agreed to a motion to strike out and insert a new section which included some of the amendments agreed to, but omitted one of them.

On Sept. 2, 1964, during consideration of a bill(21) extending and amending the law regarding the "Food and Peace" program, an amendment(1) offered by Mr. Paul Findley, of Illinois, was agreed to.

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21. H.R. 12298.

1. See 110 Cong. Rec. 21424, 88th Cong. 2d Sess.

The purpose of the amendment was to require congressional appropriation for grants of United States-owned foreign currencies. In explaining the amendment, Mr. Findley quoted from a Senate report relating to the same provision as found in a Senate bill:

> The purpose of this amendment is to provide the same degree of control over grants of U.S.-owned foreign currencies as is provided in the regular foreign assistance legislation over dollar grants; also to coordinate all foreign assistance grants and to assure that grants of foreign currencies are used in place of dollar grants rather than being supplementary thereto. Further the making of such grants subject to congressional appropriation control. . . .(2)

Other amendments to section 1 of the bill were adopted. On the next day,(3) the following proceedings took place:

Mr. [John J.] Rooney of New York: Mr Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment offered by Mr. Rooney of New York: Strike out all of section (1) and insert in lieu thereof the following: "That the Agricultural Trade Development and Assistance Act of 1954, as amended, is further amended as follows: . . ."

The Chairman:(4) The Chair feels that the author of the amendment should explain the amendment and the Chair recognizes the gentleman from New York [Mr. Rooney] on his amendment.

Mr. Rooney of New York: . . . This pending substitute for section 1 substantially contains the bill as it has been approved up to this point, including the amendments of the gentleman from Ohio [Mr. Oliver P. Bolton], and the gentleman from California [Mr. Roosevelt], with one exception, and that is exclusion of the so-called Findley amendment adopted yesterday.

I must be frank and say that I supported the Findley amendment on yesterday. Today I find that I cannot support it for the reason that in South Vietnam 90 percent of the local currency funds generated under title I sales, Public Law 480, is used to support the military effort there. In view of this situation in Vietnam, Mr. Chairman, if we adopt the pending substitute for section 1 of the bill we will not only approve all the amendments adopted up to now, except the so-called Findley amendment, but also strike out at page 2 of the bill the controversial matter in lines 13 to 25 inclusive and at page 3 of the bill lines 1 to 14 inclusive.

The Rooney amendment was agreed to.(5)

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2. *Id.* at p. 21425.
3. 110 Cong. Rec. 21587, 88th Cong. 2d Sess., Sept. 3, 1964.
4. Oren Harris (Ark.).
5. 110 Cong. Rec. 21591, 88th Cong. 2d Sess., Sept. 3, 1964.

Perfecting Amendment Affecting Part of Section as Not Precluding Other Amendments, Including Amendment Striking Whole

§ 30.12 The Chair has indicated that the adoption of a perfecting amendment affecting part of a section would not preclude an amendment proposing to strike out the entire section, nor would it preclude further perfecting amendments to other portions of the section or a motion to strike out the section and insert new text.

On Dec. 12, 1973,(6) the following proceedings took place:

MR. [BROCK] ADAMS [of Washington]: Mr. Chairman, as I understand it this is a perfecting amendment to section 120. I have previously indicated, and have filed it with the Clerk, that I will offer a motion to strike section 120, the so-called antitrust section. My question is this: If a vote occurs upon the amendment offered by the gentleman from Texas and the section is perfected or not perfected by his amendment, am I precluded from moving to strike section 120 at a later time in the proceedings?

THE CHAIRMAN:(7) Regardless of the outcome on the amendment now pending, the gentleman will not be precluded from making a motion to strike at another time because this is a perfecting amendment that does not deal with the whole of the section. . . .

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, if the amendment offered by the gentleman from Washington should not succeed and someone else should offer another amendment to section 120, will that amendment be precluded by this perfecting amendment?

THE CHAIRMAN: Not necessarily. The Chair will answer the gentleman by saying that section 120 is a long section. Other amendments to the section might still be offered. But in the event the amendment offered by the gentleman from Texas is adopted a further amendment to that particular portion of the language might be precluded. But other parts of the language in that particular section would still be open to amendment.

MR. SEIBERLING: Mr. Chairman, suppose the amendment were a complete substitute for section 120.

THE CHAIRMAN: It would still be in order.

Similarly, it has been held that, while an amendment which has been agreed to may not be modified, a proposition to strike it from the bill with other language of the original text is in order.(8)

§ 30.13 The adoption of a committee amendment perfecting a sec-

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6. 119 CONG. REC. 41166, 93d Cong. 1st Sess. Under consideration was H.R. 11450.

7. Richard Bolling (Mo.).

8. See, for example, § 30.6, infra; see also 107 CONG. REC. 16059, 87th Cong. 1st Sess., Aug. 16, 1961.

tion of a bill does not preclude the offering of a motion to strike the entire section.

On Dec. 8, 1975,[9] the Committee of the Whole was considering committee amendments to H.R. 8631[10] when a parliamentary inquiry was directed to the Chair. The proceedings were as follows:

> THE CHAIRMAN:[11] The Clerk will report the next committee amendment.
>
> The Clerk read as follows:
>
> Committee amendment: Page 8, line 7, after the word "greater:" insert "*Provided*, That in the event of a nuclear incident involving damages in excess of that amount of aggregate liability, the Congress will thoroughly review the particular incident and will take whatever action is deemed necessary and appropriate to protect the public from the consequences of a disaster of such magnitude: *And provided further*,". . . .
>
> MR. [JONATHAN B.] BINGHAM [of New York]: Mr. Chairman, if this committee amendment is agreed to, will the gentleman from New York—this gentleman—still be in a position to offer an amendment to strike the entire section?
>
> THE CHAIRMAN: The gentleman from New York will be advised that his right to offer an amendment will be protected, and he can offer it if the committee amendment is agreed to. . . .
>
> The committee amendment was agreed to.
>
> MR. BINGHAM: Mr. Chairman, I offer an amendment.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Bingham: Page 7, beginning with line 21, strike out all down through line 19 on page 8, and insert in lieu thereof the following:
>
> Sec. 6. Section 170 of the Atomic Energy Act of 1954, as amended, is amended by striking out subsection e.

—Perfecting Amendment Affecting Part of Section as Not Precluding Amendment To Strike Unamended Portion

§ 30.14 A perfecting amendment to a portion of a section having been adopted while a motion to strike out the section was pending, another perfecting amendment (to strike out the remainder of the section not yet perfected) could be offered and voted on prior to the motion to strike the section.

On Sept. 29, 1975,[12] during consideration of a bill[13] in the Committee of the Whole, the Chair responded to parliamentary inquiries as described above. The proceedings were as follows:

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[9] 121 CONG. REC. 39067, 94th Cong. 1st Sess.

[10] A bill to amend the Atomic Energy Act of 1954.

[11] Romano L. Mazzoli (Ky.).

[12] 121 CONG. REC. 30772, 30773, 94th Cong. 1st Sess.

[13] H.R. 8630, Postal Reorganization Act Amendments of 1975.

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Chairman, I will try to propound a proper parliamentary inquiry. . . . My original amendment was to strike section 2 in its entirety. We have just accepted striking from line 20, section 2, through line 6 on page 13. Is an amendment in order at this point to strike the remainder of that section?

THE CHAIRMAN:(14) The Chair will respond to the gentleman by saying that an amendment would be in order to strike so much of the section that was not amended by the gentleman from Arkansas' amendment. . . .

MR. [JAMES M.] HANLEY [of New York]: Mr. Chairman, just a point of information to clarify this vote for the benefit of all Members, the understanding is that the adoption of the Derwinski amendment would have the effect of nullifying the Alexander amendment, and in so doing reverting back to present law; am I correct?

THE CHAIRMAN: The motion of the gentleman from Illinois would strike the entire section, including that section as amended by the gentleman from Arkansas.

Parliamentarian's Note: If the perfecting amendments that were the subject of Mr. Derwinski's inquiries were both adopted, the section would have been amended in its entirety, and the motion to strike would then fall.

Adoption of Amendment Inserting Language at End of Paragraph

§ 30.15 The Chair has indicated that the adoption of a perfecting amendment inserting language at the end of a paragraph would not preclude further perfecting amendments to the original paragraph or an amendment striking the entire perfected paragraph and inserting new language.

On June 15, 1972,(15) the following proceedings took place:

MR. [FRANK E.] EVANS of Colorado: . . . In the event the amendment of the distinguished gentleman from Pennsylvania (Mr. Flood) passes, thereby limiting the expenditures under title I to that which was spent the last fiscal year, thereafter, after the adoption of the gentleman's amendment, would it be in order to offer an amendment to increase the sum of money contained in the bill for title I.

THE CHAIRMAN:(16) If the amendment were agreed to, the Chair would inform the gentleman from Colorado that further amendments to the paragraph would still be in order. . . .

The Chair will say that the amendment offered by the gentleman from Pennsylvania (Mr. Flood) is an amendment to the paragraph, a perfecting amendment, and if that amendment is agreed to an amendment striking and

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14. Walter Flowers (Ala.).

15. 118 CONG. REC. 21105, 92d Cong. 2d Sess. Under consideration was H.R. 15417.

16. Chet Holifield (Calif.).

inserting a whole new paragraph would still be in order.

Adoption of Conforming Amendments

§ 30.16 Where the Committee had agreed to an amendment striking out certain words and had made conforming amendments to succeeding sections of the bill, the Chair held that a subsequent motion, altering the conforming changes already adopted, was not in order.

On Sept. 23, 1969,(17) the following proceedings took place:

> The Clerk read as follows:
>
> Amendments offered by Mr. [Wayne N.] Aspinall [of Colorado]: On page 1, lines 3 to 6, strike out "Fish and Wildlife Coordination Act is amended by redesignating section 5A as section 5B and by inserting immediately after section 5 the following new section:
>
> "Sec. 5A. (a). . . .
>
> On page 2, line 13, strike out " '(b)" and insert "Sec. 2."
>
> On page 3, line 1, strike out " '(c)(1)" and insert "Sec. 3."
>
> On page 3, line 5, strike out "by and with the advice and consent of the Senate.". . .
>
> On Page 4, line 1, strike out " '(B)" and insert "(b)".
>
> On page 4, line 10, strike out " '(C)" and insert "(c)".
>
> On page 4, line 17, strike out " '(D)" and insert "(d)".
>
> On page 4, line 21, strike out " '(E)" and insert "(e)".
>
> On page 4, line 24, strike out " '(4)" and insert "Sec. 6."
>
> On page 5, line 1, strike out " '(5)" and insert "Sec. 7."
>
> On page 5, line 3, strike out " '(A)" and insert "(a)".
>
> On page 5, line 7, strike out " '(B)" and insert "(b)".
>
> On page 5, line 11, strike out "avoided.' " and insert "avoided."
>
> MR. ASPINALL: Mr. Chairman, it is my understanding that these amendments are satisfactory to the committee having jurisdiction over this legislation. Most of them are technical. However, there are three or four amendments which are substantial in their effect.
>
> The first amendment has reference to the Fish and Wildlife Coordination Act. This language is deleted in order that this new legislation can stand on its own and will not be tied to an existing program. The subject matter of the bill relates to all environmental classes, and therefore its enactment as an amendment to this act is not appropriate and should be changed.
>
> The second important amendment has to do with the question of Senate confirmation. Requirements for Senate confirmation of members of the Council is deleted by my amendment. I see no reason for Senate confirmation of a Presidential council of this nature. In fact, I think it dilutes the importance of the council. I think it means, if you take it as I read it, that this House is givinghe Senate in the membership of the proposed council a great deal of its own prerogative in the establishment of the Council itself.
>
> The amendments were agreed to. . . .

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17. 115 CONG. REC. 26586-89, 91st Cong. 1st Sess. Under consideration was H.R. 12549.

Amendment offered by Mr. [Emilio Q.] Daddario [of Connecticut]: On page 1, strike lines 3 through 6 and insert the following:

"That (a) This Act may be cited as The Environmental Quality and Productivity Act of 1969.

Sec. (b)(1). The Congress, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs . . . and recognizing further the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances . . . on the quality of life available to the American people; hereby declares that it is the continuing policy . . . of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

"(A) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

"(B) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings; . . .

"(E) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

"(F) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources. . . .

"Sec. (c) The Congress authorizes and directs that the policies, regulations, and public laws of the United States, to the fullest extent possible, be interpreted and administered in accordance with the policies set forth in this Act, and that all agencies of the Federal Government—

"(1) utilize to the fullest extent possible a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision-making. . . .

"(3) include in every recommendation or report on proposals for legislation and other Federal actions significantly affecting the quality of the human environment, a finding by the responsible official that—

"(A) the environmental impact of the proposed action has been studied and considered. . . .

CONFORMING AMENDMENTS

On page 2, line 13, strike out " '(b)" and insert "2".

On page 3, line 1, strike out " '(c)(1)" and insert "3A". . . .

On page 4, line 1, strike out " '(B)" and insert "(ii)".

On page 4, line 10, strike out " '(C)" and insert "(iii)".

On page 4, line 17, strike out " '(D)" and insert "(iv)".

On page 4, line 21, strike out " '(E)" and insert "(v)".

On page 4, line 24, strike out " '(4)" and insert "(D)". . . .

On page 5, after line 19, insert new sections f, g, and h, as follows:

"Sec. f. The annual reports submitted to the Congress pursuant to section 2 of this Act shall be referred by the Speaker to each standing committee of the House of Representatives that has jurisdiction over any part of the subject matter of the reports. . . .

"Sec. h. There are authorized to be appropriated to carry out the provisions of this Act not to exceed $300,000 for fiscal year 1970, $500,000 for fiscal year 1971, and $1,000,000 for each fiscal year thereafter."

MR. ASPINALL: After the bill has been perfected by the so-called Aspinall amendment, the amendment offered by the gentleman from Connecticut is offered as an amendment to that amendment as such, after it has been adopted by the House.

If the amendment were offered as a substitute, then I could not object to it, so far as that is concerned. But I object to it as purely an amendment. . . .

THE CHAIRMAN:(18) . . . The Chair upholds the point of order of the gentleman from Colorado that the amendment of the gentleman from Connecticut attempts to amend an amendment already agreed to and is not in order. The Chair sustains the point of order.

Parliamentarian's Note: Had it not been for the conflict between the conforming amendments, the Chair might have permitted the Daddario motion to strike out and insert, since it struck out more than the words previously stricken by the Aspinall amendment.

§ 31. Adoption of Motion To Strike Out; To Strike Out and Insert

Adoption of Amendment Striking Out Section as Vitiating Prior Adoption of Perfecting Amendments to Section

§ 31.1 A motion to strike a section of a bill, if adopted, strikes the entire section including a provision added as a perfecting amendment to that section.

On Sept. 29, 1975,(19) during consideration of a bill(20) in the Committee of the Whole, a perfecting amendment had been adopted. Pending was a motion to strike the section carrying the perfected text. The Chair responded to parliamentary inquiries, as follows:

MR. [BILL] ALEXANDER [of Arkansas]: I have a parliamentary inquiry, Mr. Chairman.

THE CHAIRMAN:(1) The gentleman will state it.

MR. ALEXANDER: Mr. Chairman, in order to perfect the amendment which was just passed, is it not necessary for this body to vote no on the amendment offered by the gentleman from Illinois (Mr. Derwinski) which is now before the House?

THE CHAIRMAN: The Chair cannot respond to the inquiry as the gentleman stated it, but if the gentleman's inquiry is whether or not the motion offered by the gentleman from Illinois, if agreed to, would strike the entire section including the part that the gentleman from Arkansas has perfected, the answer of the Chair would be "yes.". . .

MR. [WILLIAM D.] FORD of Michigan: Did I understand the Chair to rule

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18. Richard D. McCarthy (N.Y.).

19. 121 CONG. REC. 30772, 30773, 94th Cong. 1st Sess.

20. H.R. 8630, Postal Reorganization Act Amendments of 1975.

1. Walter Flowers (Ala.).

that even though the pending amendment of the gentleman from Illinois (Mr. Derwinski) is an amendment to strike the entire section, the amendment offered by the gentleman from Arkansas was a perfecting amendment to this section, that the gentleman's amendment if it now carries would not strike the entire section including the new language inserted by the gentleman from Arkansas?

The Chairman: The amendment offered by the gentleman from Illinois (Mr. Derwinski) would strike the entire section including the language offered by the gentleman from Arkansas and agreed to by the Committee.

—Perfecting Amendments Not Reported to House

§ 31.2 Adoption by the Committee of the Whole of an amendment striking out a section of a bill vitiates the Committee's prior adoption of perfecting amendments to that section, and only the motion to strike out is reported to the House.

On Feb. 5, 1974,(2) during consideration in the House of a bill(3) reported back from the Committee of the Whole, the Speaker responded to a parliamentary inquiry as indicated below:

> Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Matsunaga, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11221) to provide full deposit insurance for public units and to increase deposit insurance from $20,000 to $50,000, pursuant to House Resolution 794, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.
>
> **The Speaker**:(4) Under the rule, the previous question is ordered.
>
> The question is on the amendment. . . .
>
> **Mr. [Robert G.] Stephens** [Jr., of Georgia]: Which amendment are we voting on, Mr. Speaker? The amendment adopted in the Committee of the Whole?
>
> **The Speaker**: The amendment adopted in the Committee of the Whole.
>
> Without objection, the Clerk will read the amendment.
>
> The Clerk read as follows:
>
>> Amendment: Strike out section 1 of the bill. . . .
>
> **Mr. [Lawrence G.] Williams** [of Pennsylvania]: While the bill was under consideration, under section 1 an amendment was adopted which was offered by Mr. Stephens of Georgia. At a later time an amendment was offered by Mr. Wylie to section 1 to strike section 1. If the amendment offered by Mr. Wylie in the Committee of the Whole is now defeated in the Whole House, does not that continue Mr. Stephens' amendment in the bill.

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2. 120 Cong. Rec. 2078, 2079, 93d Cong. 2d Sess.
3. H.R. 11221, amending the Federal Deposit Insurance Act.
4. Carl Albert (Okla.).

THE SPEAKER: The answer is "no." If the Wylie amendment is defeated, the House will have before it the bill as reported by the committee, without any amendment to section 1. . . .

The Chair wishes to make clear the parliamentary situation. Several amendments were adopted to section 1. Subsequently an amendment offered by the gentleman from Ohio (Mr. Wylie) striking section 1 was adopted. That is the only amendment reported to the House, the amendment striking section 1.

§ 31.3 Where a perfecting amendment adopted in Committee of the Whole is superseded by adoption of an amendment in Committee striking out the section comprehending the perfecting amendment, the perfecting amendment is not reported to the House, and the bill returns to the form as originally introduced upon rejection by the House of the amendment reported from Committee of the Whole.

On Aug. 4, 1976,(5) the Committee of the Whole having reported a bill(6) back to the House with amendments, the proceedings described above occurred as indicated below:

THE SPEAKER:(7) Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

MR. [MELVIN] PRICE [of Illinois]: Mr. Speaker, I demand a separate vote on the so-called Bingham amendment. . . .

THE SPEAKER: The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

> Amendment: Starting on page 1, line 5, delete sections 2 and 3 of the bill, and renumber section 4 as section 2. . . .

[The amendment was rejected.]

MR. [JOHN B.] ANDERSON of Illinois: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. ANDERSON of Illinois: I am, Mr. Speaker, in its present form.

THE SPEAKER: The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Anderson of Illinois moves to recommit the bill H.R. 8401 to the House Members of the Joint Committee on Atomic Energy with instructions to report back to the House forthwith with the following amendments: . . .
>
> On page 2, line 20 strike all after "public;" and insert the following: "*Provided, however,* That the guarantees under any such cooperative arrangement which would subject the Government to any future contingent liabilities for which the Government would not be fully reimbursed shall be limited to the assurance that the Government-furnished technology and equipment will work

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5. 122 CONG. REC. 25425-27, 94th Cong. 2d Sess.

6. H.R. 8401, the Nuclear Fuel Assurance Act.

7. Carl Albert (Okla.).

as promised by the Government over a mutually-agreed-to and reasonable period of initial commercial operation.". . .

Mr. [Albert H.] Quie [of Minnesota]: . . . I support private business getting into the nuclear fuel enrichment business but I oppose the guarantees provided in subsections 4 and 5 of section 45(a). . . .

In listening to the motion to recommit, am I right that the gentleman's motion to recommit in effect negates subsections 4 and 5 on page 3 of the bill?

Mr. Anderson of Illinois: The gentleman is correct. . . .

The Bingham amendment struck sections 2 and 3. Even with the defeat of that amendment, we are now back to the original committee bill in its unamended form. We must put back in the bill with this motion to recommit any sections that provide for prior congressional approval of any contract that provides that there can be no contingent liability on the part of the Government, save that provided for in an appropriation bill, plus the additional language which I just read to the Members which will assure that we are limiting this to a warranty of technology. . . .

Mr. Price: . . . What the gentleman from Illinois is saying is that unless we do recommit the bill with instructions, we will go back to the original bill before it was worked on in the Joint Committee and amended in a way that was palatable to the House and which caused the House eventually to support it. Is that correct?

Mr. Anderson of Illinois: The gentleman has stated the parliamentary situation correctly. We will be back to the committee bill before we had amended it with those committee amendments which were accepted without dissent in the Committee of the Whole. Because those sections as amended were stricken, even though we defeated the Bingham amendment, we must now go back and assure this House that we report this bill to this House in a form that contains the provisions for a 60-day congressional review.

Parliamentarian's Note: House Resolution 1242 had specifically waived points of order under Rule XVI clause 7, to permit the consideration of the amendment recommended by the Joint Committee on Atomic Energy printed in the bill. (The amendment was not germane, because it provided for a rules change to permit privileged consideration of resolutions of disapproval, whereas the original bill provided no such mechanism.) While the precedents indicate that a motion to recommit a bill with instructions may not direct the committee to report back forthwith with a nongermane amendment, it is nevertheless true that an amendment incorporated in such a motion is in order if it would have been in order to consider that recommended amendment as an amendment to the bill. Since the text of the motion to recommit was identical to the committee amendment protected by the waiver, the motion to recommit was in order in the form indicated above.

Inserting Language Similar or Identical to Stricken Language

§ 31.4 It is not in order to insert by amendment language identical to that previously stricken out by amendment.

On Mar. 14, 1940,(8) the following proceedings took place:

> Amendment offered by Mr. [Francis E.] Walter [of Pennsylvania]: Page 2, line 3, after "New York", insert "and one who shall be a district judge for the northern and southern districts of Florida."
>
> MR. [JOHN] TABER [of New York]: Mr. Chairman, I make the point of order that that particular language has already been stricken out of the bill by action of the committee. . . .
>
> THE CHAIRMAN:(9). . . The Committee of the Whole acted on a committee amendment striking out this identical language; therefore, the point of order is sustained.

§ 31.5 It is in order to insert by amendment language similar, but not identical, to that previously stricken out by amendment.

On Mar. 14, 1940,(10) the following proceedings took place:

> Amendment offered by Mr. [Francis E.] Walter [of Pennsylvania]: Page 1, line 10, before the word "one" insert "one for the northern and southern districts of Florida.". . .
>
> MR. [JOHN] TABER [of New York]: That has already been voted upon by the Committee and has been stricken from the bill. . . .
>
> THE CHAIRMAN:(11) The Chair believes that while there is some similarity, there is sufficient difference to justify submission of the amendment.

§ 31.6 While it is not in order to reinsert precise language stricken by amendment, an amendment similar but not identical to the stricken language may be offered if germane to the pending portion of the bill, and the Chair will not rule on the propriety of such an amendment prior to its being offered.

On July 23, 1975,(12) during consideration of a bill(13) in the Com-

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8. 86 CONG. REC. 2904, 2905, 76th Cong. 3d Sess. Under consideration was H.R. 7079, relating to appointment of additional district and circuit judges.
9. Richard M. Duncan (Mo.).
10. 86 CONG. REC. 2907, 2908, 76th Cong. 3d Sess. Under consideration was H.R. 7079, relating to appointment of additional district and circuit judges.
11. Richard M. Duncan (Mo.).
12. 121 CONG. REC. 24386, 94th Cong. 1st Sess.
13. H.R. 7014, Energy Conservation and Oil Policy Act of 1975.

mittee of the Whole, the Chair(14) responded to a parliamentary inquiry as indicated below:

> Mr. [Mike] McCormack [of Washington]: Mr. Chairman, a parliamentary inquiry.
>
> The Chairman: The gentleman will state it.
>
> Mr. McCormack: Mr. Chairman, if the Wilson amendment is adopted and the section is stricken from the bill and we rise, can we come back tomorrow and put a similar section back in the bill with different numbers, or under the rules could we not replace that section at all?
>
> The Chairman: The Chair will have to tell the gentleman that the Chair can only determine germaneness after examination of the proposal. Therefore, the Chair cannot say whether or not any proposals that were offered would be in order, but an amendment different from the text stricken could be in order if germane. The Chair simply cannot state what proposal.
>
> Mr. McCormack: So a proposal could be in order that would put in a new price formula tomorrow, even if the Wilson amendment were passed today?
>
> The Chairman: The Chair finds it extraordinarily difficult to anticipate anything, but the Chair can conceive of a circumstance in which that would be true.

§ 31.7 While it is not in order to perfect language which has been stricken, an amendment may be offered to insert new language which is germane to the bill and not identical to the language stricken.

On Sept. 2, 1976,(15) during consideration of H.R. 13636 (extension of the Law Enforcement Assistance Administration Act), and following the adoption of an amendment striking certain language in the bill, an amendment was offered by Mrs. Millicent Fenwick, of New Jersey, to strike certain words from the portion of the bill that had been deleted. She stated her intention to be to restore the language of the bill with only certain words, as indicated, stricken. A parliamentary inquiry was made by Mr. Robert McClory, of Illinois:

> Mr. McClory: . . . I made my parliamentary inquiry as to whether or not it was appropriate to reinsert language which had already been deleted.
>
> The Chairman:(16) The Chair will state that language which has been stricken cannot be inserted; but other language can be inserted that is germane to the bill.

§ 31.8 While it is not in order to offer an amendment to a pending amendment to insert language identical to language which has been stricken from the amendment, any change in

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14. Richard Bolling (Mo.).

15. 122 Cong. Rec. 28941, 28942, 28958, 94th Cong. 2d Sess.

16. Benjamin S. Rosenthal (N.Y.).

substance in the words sought to be inserted allows the amendment to be offered, such as the change of the word "shall" to the word "may."

On Apr. 9, 1979,(17) the Committee of the Whole having under consideration H.R. 3324,(18) the above-stated proposition was illustrated as indicated below:

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, I offer an amendment to the amendment, as amended.

The Clerk read as follows:

> Amendment offered by Mr. Rousselot to the amendment offered by Mr. Bauman, as amended: Immediately after the last sentence of subsection (a) of section 533 of the amendment offered by Mr. Bauman, as amended, add the following:
>
> (b) In furtherance of the purposes of this section and the foreign policy objectives of the United States the President may appoint a team of impartial observers to observe elections in southern Africa. . . .
>
> (c) of the amounts authorized to be appropriated to carry out the purposes of this section, $20,000,000 may be made available to the government of Zimbabwe/Rhodesia which is installed in that nation as a result of the election held in April 1979, which election may be evaluated and reported upon by observers as provided for in this section. . . .

MR. [STEPHEN J.] SOLARZ [of New York]: Mr. Chairman, I make a point of order that the amendment just offered by the gentleman from California is out of order on the ground that it is virtually identical to the amendment which was just overwhelmingly rejected by the House, in that it does provide for $20 million in foreign aid to Rhodesia for these observers. It is essentially identical to the amendment we just rejected and, therefore, it should be ruled out of order.

THE CHAIRMAN:(19) Does the gentleman from California (Mr. Rousselot) desire to be heard on the point of order?

MR. ROUSSELOT: Yes, Mr. Chairman. I have made some changes and substituted the word "may" for "shall." It is a substantive change, and I believe it is in order on the basis of the way I have submitted it.

THE CHAIRMAN: Does the gentleman from Maryland (Mr. Bauman) desire to be heard on the point of order?

MR. [ROBERT E.] BAUMAN [of Maryland]: Only to point out that the previous language was mandatory. The previous language in the amendment voted down was mandatory insofar as the allocation of funds, and in this case it is totally discretionary, a fundamental change in the character of the amendment. Therefore, I do not think the point of order is well taken. . . .

THE CHAIRMAN: Is there any further discussion on the point of order? If not, the Chair is prepared to rule.

The Chair has compared the language in the amendment offered by the gentleman from California (Mr. Rousselot) to the language just stricken from the amendment offered by the gentleman from Maryland (Mr.

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17. 125 CONG. REC. 7761, 96th Cong. 1st Sess.
18. The International Development Cooperation Act of 1979.
19. Elliott H. Levitas (Ga.).

Bauman) as a result of the amendment offered by the gentleman from New York. The rule is that identical or substantially identical language cannot be inserted after an amendment striking substantially identical language has been adopted.

In reading the amendment offered by the gentleman from California, the Chair notes certain changes in language which the Chair does not believe to be substantial in nature; however, in section (c) which is added by the amendment, the change of the word "shall" to the word "may" appears to the Chair to be a change of substance, a material change in the substance of the amendment offered by the gentleman from California, different from that which appeared in the original text of the amendment offered by the gentleman from Maryland.

Consequently, it is the opinion of the Chair that it is in order for the amendment to be offered and the point of order is overruled.

Amendment Inserting Language in Stricken Paragraph

§ 31.9 Where an amendment has been adopted striking out language in a bill, a perfecting amendment to the language already stricken out comes too late and is not in order.

The Chair in this instance held that, where the Committee of the Whole has adopted an amendment striking out several consecutive paragraphs in a bill, an amendment proposing to insert language in a paragraph which has been stricken comes too late and is not in the proper form.

On July 16, 1973, during consideration of a bill[20] to amend and extend the Agricultural Act of 1970, the following amendment[1] was agreed to.[2]

> Amendment offered by Mr. [Bob] Bergland [of Minnesota]: Page 27, line 4, strike out on page 27 all of line 4 and the remainder through page 36 line 15. . . .

Subsequently, an amendment was offered, as follows:[3]

> Amendment offered by Mr. [Charles A.] Vanik [of Ohio]: Page 32, immediately after line 22, insert the following new paragraph: . . .

The following exchange then took place:[4]

> MR. [CHARLES M.] TEAGUE [of California]: Mr. Chairman, am I not correct that this amendment comes within the section which was stricken from the bill? . . .
>
> THE CHAIRMAN:[5] . . . [T]he amendment does go to the portion of text which has been stricken and is not in order in the form offered.

Amendment Offered To Perfect Language That Had Been

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[20] H.R. 8860.

[1] See 119 CONG. REC. 23970, 93d Cong. 1st Sess.

[2] *Id.* at p. 23972.

[3] *Id.* at p. 23983.

[4] *Id.* at p. 23984.

[5] William H. Natcher (Ky.).

Stricken; No Point of Order Made

§ 31.10 It is not in order to propose an amendment to perfect language in a bill which has been previously stricken by amendment, but where no point of order was made the Chair put the question on the amendment even though its adoption would have no effect.

On Sept. 2, 1976,(6) during consideration of a bill(7) in the Committee of the Whole, an amendment to previously stricken language was pending, which resulted in several parliamentary inquiries being directed to the Chair. The proceedings were as follows:

The Clerk read as follows:

> Amendment offered by Mr. Wiggins: On page 16, line 2, strike "(a)" and on lines 10 through 24, and on page 17, lines 1 through 5, strike the whole of section 108 (b) and (c).

THE CHAIRMAN:(8) The question is on the amendment offered by the gentleman from California (Mr. Wiggins). . . .

[T]he amendment was agreed to. . . .

MRS. [MILLICENT] FENWICK [of New Jersey]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mrs. Fenwick: On page 16, line 16, strike "and" following "physical" and on page 16, line 17, strike out "services" and on page 17, line 3, following "physical" strike out "and services". . . .

MR. [CHARLES E.] WIGGINS [of California]: . . . [T]he gentlewoman from New Jersey is offering to amend a section of the bill which has been deleted by an earlier amendment.

If, in fact, that is the amendment, it is rather late for me to make a point of order with respect to it, but we are amending something which is not in the bill to be amended.

THE CHAIRMAN: The Chair has examined the Wiggins amendment, which struck out, on page 16, lines 10 to 24, down through line 5 on page 17. For that reason, in response to the gentleman's parliamentary inquiry, the gentlewoman's amendment would have no effect.

MRS. FENWICK: Mr. Chairman, I should have included in my amendment the restoration of the original phraseology, omitting only those three or four words.

THE CHAIRMAN: Would the gentlewoman perhaps seek unanimous consent to withdraw her amendment, and at her leisure and prerogative redraft the amendment consistent with the situation the bill is in as of now?

MRS. FENWICK: Mr. Chairman, I do so.

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6. 122 CONG. REC. 28939, 28941, 28942, 28957, 28958, 94th Cong. 2d Sess.
7. H.R. 13636, Extension of the Law Enforcement Assistance Administration Act.
8. Benjamin S. Rosenthal (N.Y.).

The Chairman: Is there objection to the request of the gentlewoman from New Jersey? . . .

Mr. [Robert] McClory [of Illinois]: Mr. Chairman, I object. . . .

The Chairman: The question is on the amendment offered by the gentlewoman from New Jersey (Mrs. Fenwick). . . .

Mr. Wiggins: Mr. Chairman, if I understood the Chairman's ruling on the previous parliamentary inquiry, there is nothing to be amended and we are voting on nothing.

The Chairman: In respect to the gentleman's very thoughtful parliamentary inquiry, the Chair has previously stated that the amendment offered by the gentlewoman from New Jersey would in fact be null and void. But under the parliamentary situation and the objection of the gentleman from Illinois, the Chair has no choice but to put the question on the amendment, and the members of the Committee will make such decision as they deem appropriate under these circumstances. . . .

Mr. McClory: Mr. Chairman, did I understand accurately the request of the gentlewoman, that she wanted to reinsert the language except for these words?

The Chairman: The gentlewoman's request was to withdraw the amendment and she would offer another amendment, which is her total prerogative.

Mr. McClory: Mr. Chairman, I have no objection to the gentlewoman withdrawing the amendment.

The Chairman: Is there objection to the request of the gentlewoman from New Jersey?

Mr. [James R.] Mann [of South Carolina]: Mr. Chairman, I object to the unanimous consent request.

The Chairman: Objection is heard.

The question is on the amendment offered by the gentlewoman from New Jersey (Mrs. Fenwick).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 23, noes 20.

So the amendment was agreed to.

Adoption of Motion To Strike and Insert as Precluding Vote on Pending Motion To Strike

§ 31.11 If an amendment to strike out a section or paragraph and insert new language is agreed to, and is coextensive with a pending amendment proposing to strike out the section or paragraph, such motion to strike falls and is not voted on.

On Sept. 15, 1970,(9) the following proceedings took place:

Amendment offered by Mr. [Sam M.] Gibbons [of Florida]: On page 41 strike all of section 120, lines 1 through 23, inclusive. . . .

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9. 116 Cong. Rec. 31840, 31845, 31846, 91st Cong. 2d Sess. Under consideration was H.R. 17654.

For further discussion of circumstances in which a vote may or may not be taken on a pending motion to strike following adoption of a perfecting amendment, see §§ 16 and 30, supra.

Amendment offered by Mr. [James G.] O'Hara [of Michigan]: On page 41, strike out line 1 through line 23 and insert the following:

Motions in the House to Dispose of Nongermane Amendments Between the Two Houses to House or Senate Bills or Resolutions. . . .

[The O'Hara amendment was agreed to.]

MR. [DURWARD G.] HALL [of Missouri]: Mr. Chairman, a parliamentary inquiry. Have we voted on the amendment offered by the gentleman from Florida (Mr. Gibbons)?

THE CHAIRMAN:(10) The Chair would like to inform the gentleman from Missouri that since the amendment to strike and insert of the gentleman from Michigan (Mr. O'Hara) was adopted, that means that the amendment offered by the gentleman from Florida (Mr. Gibbons) the motion to strike, that is, falls as a result of the adoption of the first amendment.

Similarly, on July 12, 1951, the Chair indicated that, if a motion to strike out a paragraph and insert new language is agreed to, a pending amendment proposing to strike out the paragraph falls and is not voted upon. On that date, a bill(11) was under consideration to amend the Defense Production Act of 1950. An amendment was offered as follows:(12)

Amendment offered by Mr. [Howard H.] Buffett [of Nebraska]: Page 8, line 25, strike out all of subsection (e). . . .

A further amendment was offered:(13)

Amendment offered by Mr. [Jesse P.] Wolcott [of Michigan] as a substitute for the amendment offered by Mr. Buffett: Page 8, line 25, strike out subsection (e) and insert in lieu thereof the following: . . .

The following proceedings then took place:

MR. [JACOB K.] JAVITS [of New York]: Mr. Chairman, I offer an amendment perfecting the language sought to be stricken by the amendment offered by the gentleman from Nebraska [Mr. Buffett]. . . .

Amendment offered by Mr. Javits: On page 9, line 1, after the word "defense", insert "and upon the certification of the Director of Defense Mobilization that it is required for the national defense and is not otherwise obtainable."(14)

THE CHAIRMAN:(15) . . . Under the rules the perfecting amendment will be voted upon first; the motion to strike out and insert will be voted upon next; and, should the amendment by the gentleman from Michigan [Mr. Wolcott] be adopted, the motion made by the gentleman from Nebraska [Mr. Buffett] would fall.(16)

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10. William H. Natcher (Ky.).
11. H.R. 3871.
12. 97 CONG. REC. 8073, 82d Cong. 1st Sess.
13. *Id.* at p. 8077.
14. *Id.* at p. 8084.
15. Wilbur D. Mills (Ark.).
16. 97 CONG. REC. 8090, 82d Cong. 1st Sess.

Adoption of Amendment To Strike Out and Insert as Precluding Motion To Strike Same Text

§ 31.12 The adoption of an amendment to strike out a subsection of a bill and insert new provisions would preclude the offering of an amendment to strike out that subsection.

On Dec. 17, 1970,(17) the following exchange took place:

MR. [WILLIAM A.] STEIGER of Wisconsin: May I inquire of the Chair as to whether or not, if the Mink amendment presently before the committee is adopted an amendment would be in order to strike that section?

THE CHAIRMAN:(18) The Chair will advise the gentleman that the Mink amendment proposes to strike subsection (c) and insert new language. If that amendment is adopted it would not then be in order to strike subsection (c).

§ 31.13 Adoption of an amendment striking out certain words and inserting new text precludes the offering of a subsequent motion to strike out that text.

On July 25, 1974,(19) the Committee of the Whole having under consideration a bill,(20) the Chair advised that a motion to strike out a title, as described above, was not in order. The proceedings were as follows:

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I offer an amendment to the committee amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment offered by Mr. Udall to the committee amendment in the nature of a substitute: Strike page 268, line 19, through page 271, line 24, and insert in lieu thereof the following:
>
> Sec. 601. (a) With respect to Federal lands within any State, the Secretary of Interior may, and if so requested by the Governor of such State, shall review any area within such lands to assess whether it may be unsuitable for mining operations. . . .

THE CHAIRMAN:(21) . . . The question is on the amendment offered by the gentleman from Arizona (Mr. Udall) to the committee amendment in the nature of a substitute.

So the amendment to the committee amendment in the nature of a substitute was agreed to.

MR. [CRAIG] HOSMER [of California]: Mr. Chairman, I now offer my amendment to delete title VI.

THE CHAIRMAN: The Chair will advise the gentleman from California that the entire title has been amended by the Udall amendment and at this

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17. 116 CONG. REC. 42228, 91st Cong. 2d Sess. Under consideration was H.R. 19446.
18. James C. Corman (Calif.).
19. 120 CONG. REC. 25240, 25241, 93d Cong. 2d Sess.
20. H.R. 11500, Surface Mining Control and Reclamation Act of 1974.
21. Neal Smith (Iowa).

point an amendment to strike the title would not be in order.

Adoption of Amendment To Strike Out and Insert as Precluding Further Amendment

§ 31.14 When an amendment striking out certain language and inserting other provisions has been adopted, it is not in order to further amend the provisions so inserted.

On Mar. 16, 1960,(1) the following exchange took place:

> MR. [GEORGE] MEADER [of Michigan]: Mr. Chairman, as I understand the situation, we are now considering the amendment offered by the gentleman from Michigan [Mr. O'Hara], which strikes out certain language on pages 5 and 6 which relates to provisional voting. If the O'Hara amendment is adopted, would it be in order to strike out the language just approved by the committee or would that be the end of any consideration of the provisions relating to provisional voting.
>
> THE CHAIRMAN:(2) In reply to the parliamentary inquiry of the gentleman, the Chair will state that the so-called O'Hara amendment to the substitute amendment, as the Chair understands it, does strike out the language which the gentleman has just mentioned and inserts other language, therefore, if the amendment is agreed to the amendment cannot be further amended.

Similarly, on Feb. 7, 1964,(3) the Chairman,(4) responding to inquiries by Mr. James Roosevelt, of California, indicated that, if a motion to strike out all after the first word of text and insert a new provision is agreed to, the language thus inserted cannot thereafter be amended.

—Even Where Title Is Open to Amendment at Any Point

§ 31.15 Where an amendment striking out a section and inserting new language has been adopted, it is not in order to propose a further amendment to that section; thus, it is not in order to further amend a section which has been amended in its entirety, even where the title containing that section is open to amendment at any point pursuant to a special rule provid-

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1. 106 CONG. REC. 5755, 5762, 86th Cong. 2d Sess. Under consideration was H.R. 8601.

   See also 107 CONG. REC. 11093–98, 11100–03, 87th Cong. 1st Sess., June 22, 1961; and 107 CONG. REC. 8117, 8120, 87th Cong. 1st Sess., May 16, 1961.

2. Francis E. Walter (Pa.).

3. 110 CONG. REC. 2489, 88th Cong. 2d Sess. Under consideration was H.R. 7152.

4. Eugene J. Keogh (N.Y.).

ing for reading for amendment by titles.

On July 18, 1974,[5] during consideration of a bill in the Committee of the Whole, the following proceedings occurred:

The Clerk read as follows:

> Amendment offered by Mr. Hosmer to the committee amendment in the nature of a substitute: Page 142, line 3. Strike out "Sec. 101." and insert a "Sec. 101." to read as follows:
>
> Sec. 101. The Congress finds that—
>
> (a) the extraction of coal by underground and surface mining from the earth is a significant and essential activity which contributes to the economic, social, and material wellbeing of the Nation. . . .

THE CHAIRMAN:[6] The question is on the amendment offered by the gentleman from California (Mr. Hosmer) to the committee amendment in the nature of a substitute.

The amendment to the committee amendment in the nature of a substitute was agreed to.

THE CHAIRMAN: Are there further amendments to title I?

MR. [STEVEN D.] SYMMS [of Idaho]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Symms: On page 143, following line 11, add a new subsection (f), as follows:
>
> Every resident of the United States of America has a right to the benefit of full production. . . .

THE CHAIRMAN: The Chair will state that this is an amendment to section 101 in title I, which has already been amended in its entirety, and therefore the amendment is not in order. . . .

MR. [WILLIAM M.] KETCHUM [of California]: Mr. Chairman, a parliamentary inquiry. . . .

. . . I do not recall, but I believe I have been here the whole time, and I do not recall when the bill was originally read that it was going to be read section by section. I had understood it was to be read title by title, and we could amend it at any point at that time.

THE CHAIRMAN: The Chair will state that the bill is being read title by title.

MR. KETCHUM: Then why, Mr. Chairman, may I ask, is the gentleman from Idaho (Mr. Symms) not able to offer his amendment to section 101.

THE CHAIRMAN: The Chair will state that that is because section 101 of title I has been amended in its entirety, and therefore a further amendment to that section would not be in order.

—Where Proposed Amendments Have Been Printed in Record

§ 31.16 Adoption of an amendment, as amended, which changes an entire section precludes further amendments to that section, even where such amendments have been printed in the Record pursuant to the

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[5] 120 CONG. REC. 24108, 24109, 24113, 24114, 93d Cong. 2d Sess. Under consideration was H.R. 11500, Surface Mining Control and Reclamation Act of 1974.

[6] Neal Smith (Iowa).

rule[7] which guarantees 10 minutes of debate on amendments printed one calendar day in advance of floor consideration.

On July 22, 1974,[8] during consideration in the Committee of the Whole of a bill[9] the Chair responded to several parliamentary inquiries as to the effect of the adoption of an amendment, as described above. The proceedings were as follows:

Mr. [Morris K.] Udall [of Arizona]: Mr. Chairman, I move that all debate on the pending Hosmer amendment and the Mink substitute for that amendment and all perfecting amendments to either close at 40 minutes past 4 o'clock. . . .

Mr. [John D.] Dingell [of Michigan]: Mr. Chairman, a parliamentary inquiry.

The Chairman:[10] The gentleman will state it.

Mr. Dingell: Mr. Chairman, reserving the right to object for the purpose of making a parliamentary inquiry, as I understand there are a number of us who do have amendments to the bill itself or which are appropriate to the substitute amendment offered by the gentlewoman from Hawaii or the gentleman from California.

Now, what is the ruling of the Chair with regard to the limitation of time on section 201? Are those amendments published in the Record foreclosed from the 5-minute rule by reason of the debate here, or foreclosed by expiration of the time under the clock, if the time does expire from even offering an amendment?

The Chairman: If section 201 of the bill is later open to amendment due to adverse disposition of the Mink substitute and the Hosmer amendment, then those rights would obtain; but those rights would be foreclosed if no further amendments to section 201 were in order. . . .

Mr. Dingell: The provisions of the rule relating to 5 minutes of time for a Member where he has published his amendment in the Record in appropriate fashion will not be protected if either the Mink amendment or the amendment to the amendment of Mr. Hosmer is adopted; am I correct?

The Chairman: If the substitute is adopted to the Hosmer amendment and then the Hosmer amendment as amended by the substitute is adopted, further amendments to section 201 could not be offered. Therefore, there would be no further amendments appropriate. . . .

Mr. [Wayne L.] Hays [of Ohio]: Mr. Chairman, is it not true that if, under the gentleman's motion, an amendment—I am now giving a hypothetical situation—the Mink substitute for that portion of the Hosmer amendment were to prevail, and the Hosmer amendment would be defeated, is it not true that the rest of that section which the Mink substitute does not pertain to would be proper to amend at any point?

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[7] Rule XXIII clause 6, *House Rules and Manual* § 874 (101st Cong.).

[8] 120 Cong. Rec. 24459, 24460, 93d Cong. 2d Sess.

[9] H.R. 11500, Surface Mining Control and Reclamation Act of 1974.

[10] Neal Smith (Iowa).

The Chairman: If the entire section has been amended, further amendments to that section would not be in order.

Mr. Hays: Not if the Hosmer substitute were defeated, it would not be true, would it? Just to section 201?

The Chairman: If the Mink substitute is adopted, the vote would then recur on the Hosmer amendment since it is a substitute for the entire amendment. If the Hosmer amendment were then adopted, section 201 would not be open to amendment.

—Amendment to Substitute as Precluding Further Amendment to Substitute

§ 31.17 A substitute amendment having been amended by striking out certain language therein and inserting a new provision, the portion of the substitute which is so altered cannot be further amended.

On Mar. 15, 1960,(11) the following proceedings took place:

The Clerk read as follows:

> Amendment offered by Mr. [Robert W.] Kastenmeier [of Wisconsin]: On page 1, line 8 of the McCulloch substitute, before the word "In", insert "(e)(1)(A)" and on page 1 of the McCulloch substitute strike out "that any person has been deprived" on line 9 and all that follows down through the last page of such substitute, and insert in lieu thereof the following: . . .

Mr. [James] Roosevelt [of California]: If the Kastenmeier amendment prevails, would it then become subject to amendment?

The Chairman:(12) No; the Kastenmeier amendment is an amendment to the pending substitute for the amendment provided under the rule and it would not be subject to amendment.

Subsequent Amendment Enlarging Scope of Changes Made by First Amendment

§ 31.18 Although it is not in order to propose an amendment changing the precise language of an amendment already agreed to, the adoption of a "perfecting" amendment to strike out and insert does not preclude the offering of another amendment to strike out and insert which goes beyond the changes made by the first amendment.

On June 29, 1972,(13) the following proceedings took place:

The Clerk read as follows:

> Committee amendment: Page 3, at the beginning of lines 12, 16, and 23, and on page 4, at the beginning of lines 5 and 9, insert quotation marks; and on page 4, at the end of

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11. 106 Cong. Rec. 5644, 5645, 5655, 86th Cong. 2d Sess. Under consideration was H.R. 8601.

12. Francis E. Walter (Pa.).

13. 118 Cong. Rec. 23406-08, 92d Cong. 2d Sess. Under consideration was H.R. 15692.

line 10, strike out the quotation marks.

The committee amendment was agreed to. . . .

The Clerk read as follows:

Committee amendment: Page 4, line 3, insert "a bona fide" immediately after "and".

The committee amendment was agreed to. . . .

The Clerk read as follows:

Committee amendment: Page 4, line 13, strike out ", if any,".

The committee amendment was agreed to. . . .

The Clerk read as follows:

Amendment offered by Mr. [William A.] Barrett [of Pennsylvania]: Page 4, line 6, strike out ", at the option of the loan applicant."

Page 4, strike out lines 9 through 16 and insert in lieu thereof the following: "rehabilitation, or replacement cancel the principal of the loan, except that the total amount so canceled shall not exceed $2,500, and make the balance of such loan, if any, at an interest rate of 1 per centum per annum". . . .

Mr. [Thomas M.] Rees [of California]: The gentleman is offering an amendment to an area that has already been approved. The committee has already approved the language on page 4.

The Chairman:[14] The amendment that is now being offered goes beyond the committee amendment which has been considered.

§ 31.19 In response to a parliamentary inquiry, the Chair indicated that adoption of an amendment striking out a paragraph and inserting new language would eliminate a perfecting amendment already adopted to that paragraph.

On Mar. 21, 1975,[15] during consideration in the Committee of the Whole of a bill,[16] the proceedings, described above, occurred as follows:

Mrs. [Millicent] Fenwick [of New Jersey]: Mr. Chairman, I am not sure but that I have let the time go by, but I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Fenwick: Page 11, strike out lines 1 through 12 and insert in lieu thereof:

"(d) Not more than 50 per centum of the aggregate mortgage amounts approved in appropriation Acts may be allocated (1) for use with respect to existing previously occupied dwellings which have not been substantially rehabilitated and (2) for use with respect to new, unsold dwelling units the construction of which commenced prior to the enactment of this Act. Not more than 10 per centum of the aggregate mortgage amounts approved in appropriation Acts may be allocated with respect to dwelling units with appraised values in excess of $38,000.". . .

Mr. [Les] AuCoin [of Oregon]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

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[14] B. F. Sisk (Calif.).

[15] 121 Cong. Rec. 7950, 7952, 94th Cong. 1st Sess.

[16] H.R. 4485, the Emergency Middle-Income Housing Act of 1975.

Perfecting amendment offered by Mr. AuCoin: On page 11, line 1, strike out "25" and insert in lieu thereof "30".

On page 11, line 3, insert "with respect to existing units and" immediately after "use."

THE CHAIRMAN:(17) The Chair will treat this amendment as a perfecting amendment to the paragraph of the bill and it will be voted on first. . . .

The question is on the perfecting amendment offered by the gentleman from Oregon (Mr. AuCoin).

The perfecting amendment was agreed to.

THE CHAIRMAN: The question is on the amendment offered by the gentlewoman from New Jersey.

The question was taken; and the Chairman announced that the ayes appeared to have it. . . .

MR. [THOMAS L.] ASHLEY [of Ohio]: . . . Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. ASHLEY: It is on this basis, Mr. Chairman, that I misunderstood the parliamentary situation. I had thought that the gentleman's amendment was in the nature of a substitute. Inasmuch as the gentleman's amendment was adopted, is it also the fact that the amendment of the gentlewoman from New Jersey (Mrs. Fenwick) was adopted?

THE CHAIRMAN: Yes, thereby deleting the language which contained the perfecting amendment of the gentleman from Oregon.

§ 32. Amendments in Nature of Substitute; Substitute Amendments

Adoption of Amendment in Nature of Substitute, Generally

§ 32.1 Where an amendment in the nature of a substitute is agreed to, further amendment is not in order.

The principle stated above was the basis of the following proceeding which occurred on Mar. 26, 1985,(18) during consideration of House Resolution 100(19) in the House:

MR. [JOSEPH M.] GAYDOS [of Pennsylvania]: Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 100) providing amounts from the contingent fund of the House for expenses of investigations and studies by standing and select committees of the House in the 1st session of the 99th Congress, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

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17. Robert N. Giaimo (Conn.).

18. 131 CONG. REC. 6274, 6275, 99th Cong. 1st Sess. The principle has often been relied upon. As a further example, see, in addition to the precedents that follow, the proceedings of Aug. 7, 1964, at 110 CONG. REC. 18608, 18609, 88th Cong. 2d Sess.

19. Providing investigative funds for House committees.

H. Res. 100

Resolved, That there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in section 2 for investigations and studies by each committee named in such section, including expenses—

(1) in the case of a committee named in section 3, for procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946. . . .

The Speaker:[20] The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the resolving clause and insert in lieu thereof:

That there shall be paid out of the contingent fund of the House in accordance with the primary expense resolution not more than the amount specified in section 2 for investigations and studies. . . .

Mr. [William E.] Dannemeyer [of California]: Mr. Speaker, if the procedure that is being talked about here now is adopted, does that have the effect of precluding the offering of an amendment to the resolution so as to establish a freeze of this funding?

The Speaker: The Chair would answer in the affirmative, that if the amendment offered as an amendment in the nature of a substitute prevails, no further amendment is in order.

§ 32.2 Where an amendment in the nature of a substitute for a bill has been agreed to, further amendments are not in order.

On Nov. 7, 1975,[1] during consideration of a bill[2] in the Committee of the Whole, objection was raised to the offering of an amendment and the Chair ruled as indicated below:

The question was taken: and on a division (demanded by Mr. Sebelius) there were—ayes 38, noes 33.

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

Mr. [Charles] Rose [of North Carolina]: Mr. Chairman, I offer an additional brief amendment.

Mr. [Keith G.] Sebelius [of Kansas]: Mr. Chairman, I object.

The Chairman:[3] The Chair will state that no further amendments are in order. The amendment in the nature of a substitute has been adopted.

Under the rule, the Committee rises.

Effect on Amendments Printed in Record

§ 32.3 Where debate has been closed on a pending amendment in the nature of a substitute and all amendments thereto, adoption of that amendment would cause the stage of amendment to be passed and amendments, even though

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[20] Thomas P. O'Neill, Jr. (Mass.).

[1] 121 Cong. Rec. 35528, 94th Cong. 1st Sess.

[2] H.R. 6346, Rural Development Act Amendments.

[3] Tom Bevill (Ala.).

printed in the Record, could not thereafter be offered to the bill.

On Apr. 23, 1975,[4] during consideration of a bill[5] in the Committee of the Whole, an amendment in the nature of a substitute was offered and the following proceedings occurred:

> Mr. [Robert W.] Edgar [of Pennsylvania]: Mr. Chairman, I offer an amendment in the nature of a substitute.
>
> The Clerk read as follows:
>
>> Amendment in the nature of a substitute offered by Mr. Edgar: Strike out everything after the enacting clause and insert in lieu thereof the following:
>>
>> That this Act may be cited as the "Vietnam Humanitarian Assistance and Evacuation Act of 1975."
>>
>> Sec. 2. The President is directed to evacuate from South Vietnam within ten days of the enactment of this Act the following categories of persons:
>>
>> (1) United States citizens;
>>
>> (2) dependents of United States citizens and of permanent residents of the United States; and
>>
>> (3) Vietnamese nationals eligible for immigration to the United States by reason of their relationships to United States citizens. . . .
>
> Mr. [Thomas E.] Morgan [of Pennsylvania]: Mr. Chairman, I move that all debate on this substitute amendment and all amendments thereto close at 4 p.m.
>
> The Chairman:[6] The question is on the motion offered by the gentleman from Pennsylvania.
>
> The motion was agreed to. . . .
>
> Mr. [John M.] Ashbrook [of Ohio]: Mr. Chairman, inasmuch as the substitute offered by the gentleman from Pennsylvania would preclude many of us from offering amendments which had heretofore been dropped into the hopper and printed in today's Record in compliance with the rules, will we be granted the set-aside 5 minutes to present our amendments inasmuch as the substitute amendment offered by the gentleman from Pennsylvania (Mr. Edgar) would extinguish our right to offer an amendment at that point?
>
> The Chairman: If the amendment in the nature of a substitute offered by the gentleman from Pennsylvania (Mr. Edgar) is agreed to, the stage of amendment would have been passed and no further amendments would be in order to the bill.

Effect on Amendment Made in Order by Special Rule

§ 32.4 A resolution reported from the Committee on Rules which merely makes in order the consideration of a particular amendment (in the nature of a substitute) but does not waive points of order or otherwise confer a privileged status upon the amendment does not, in the absence of legislative history establishing a contrary intent by that committee, alter the

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[4] 121 Cong. Rec. 11491, 11499, 94th Cong. 1st Sess.

[5] H.R. 6096, Vietnam Humanitarian and Evacuation Assistance Act.

[6] Otis G. Pike (N.Y.).

principles that recognition to offer an amendment under the five-minute rule is within the discretion of the Chairman of the Committee of the Whole and that adoption of one amendment in the nature of a substitute precludes the offering of another.

On May 23, 1978,(7) the Committee of the Whole having under consideration House Resolution 1188,(8) the above-stated proposition was illustrated as indicated below:

H. Res. 1188

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill [H.R. 39]. . . . It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill as an original bill for the purposes of amendment, said substitute shall be read for amendment by titles instead of by sections and all points of order against said substitute for failure to comply with the provisions of clause 5, rule XXI and clause 7, rule XVI, are hereby waived, except that it shall be in order when consideration of said substitute begins to make a point of order that section 805 of said substitute would be in violation of clause 7, rule XVI if offered as a separate amendment to H.R. 10929 as introduced. If such point of order is sustained, it shall be in order to consider said substitute without section 805 included therein as an original bill for the purpose of amendment, said substitute shall be read for amendment by titles instead of by sections and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI and clause 5, rule XXI are hereby waived. It shall be in order to consider the amendment printed in the Congressional Record of May 17, 1978, by Representative Carr if offered as an amendment in the nature of a substitute for the amendment in the nature of a substitute recommended by the Committee on Armed Services. . . .

The Speaker Pro Tempore:(9) . . . The . . . rule requested makes in order the substitute of Representative Carr printed in the Congressional Record of May 17, 1978. Under the open rule, Mr. Carr would already be entitled to offer his amendment in the nature of a substitute. Although this provision in the rule does not give Mr. Carr special or preferred status under the rule, it does indicate the Rules Committee's desire to have all the diverse viewpoints on the DOD legislation available for consideration by the House. . . .

Mr. [Robert E.] Bauman [of Maryland]: Mr. Speaker, I would like to put a parliamentary inquiry to the Chair regarding the language on page 2 of the rule, line 24, through line 4 on page 3. It appears to me that the making in order of the offering of a substitute to the committee amendment by the gentleman from Michigan (Mr. Carr) is nothing more than an expression of the right of any Member of the House to offer such amendment at any time in the Committee of the Whole. My question to the Chair is whether or not the appearance of this language in the rule in any way changes the right of the Chair to recognize members of the committee in order of seniority at the Chair's discretion.

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(7) 124 Cong. Rec. 15094–96, 95th Cong. 2d Sess.

(8) Providing for consideration of H.R. 10929, Department of Defense Authorization for Fiscal Year 1979.

(9) James C. Wright, Jr. (Tex.).

The Speaker Pro Tempore: The recognition will be a matter for the Chairman of the Committee of the Whole House to determine. . . .

Mr. Bauman: My specific question, Mr. Speaker, was whether or not this varies the precedents regarding recognition and confers upon the gentleman from Michigan (Mr. Carr) some special status as opposed to the Chair's recognizing other members of the Committee on Armed Services handling the bill.

The Speaker Pro Tempore: It would still be up to the Chairman of the Committee of the Whole House on the State of the Union to determine the priorities of recognition. . . .

Let the Chair respond by stating that the rules of the House will apply and will not be abridged by reason of the adoption of this rule. If another amendment in the nature of a substitute should have been adopted, it would not perforce thereafter be in order to offer an additional amendment, whether it be the Carr amendment or any other.

As the Chair interprets the inclusion of the language referred to in the rule, it confers no special privilege upon the amendment in the nature of a substitute referred to as the Carr substitute. It presumes and makes in order such language as an amendment in the nature of a substitute. Beyond that, it does not foreclose consideration of any other germane language that otherwise would be in order. . . .

Mr. [Harold L.] Volkmer [of Missouri]: . . . [I]f along the way a substitute is adopted other than that offered by the gentleman from Michigan (Mr. Carr) then at the end of our consideration the substitute of the gentleman from Michigan (Mr. Carr) would not be in order; is that correct?

The Speaker Pro Tempore: The Chair believes the gentleman from Missouri (Mr. Volkmer) has correctly stated the parliamentary situation, if any amendment in the nature of a substitute is adopted, then additional amendments would not be in order.

Parliamentarian's Note: Section 805 of the committee substitute related to troop withdrawals from Korea, a matter unrelated to the bill and beyond the jurisdiction of the Armed Services Committee; the Committee on International Relations successfully urged the Rules Committee to render that section alone subject to a point of order, while protecting the consideration of the remainder of the substitute as original text. (Since a point of order against any portion of an amendment renders the entire amendment subject to a point of order, language was necessary in the rule to allow the consideration of a new amendment without the offending section.)

Amendment by Motion To Recommit Not Allowed

§ 32.5 Where the House has adopted an amendment in the nature of a substitute, such amendment cannot be further amended by way of a motion to recommit; and, in the absence of a special rule, only a simple motion to recommit would be in order.

On May 4, 1960,(10) the following proceedings took place:

> MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, earlier in the day I addressed a parliamentary inquiry to the Chair to which response was made. The parliamentary inquiry went to the question as to whether or not, as the Senate bill has been reported by the committee, a motion to recommit with instructions would be in order. Mr. Speaker, to further clarify the matter, the committee struck out all after the enacting clause of the Senate bill and substituted a complete amendment, which I take it would be offered if and when the bill were to be read for consideration. Under those circumstances, Mr. Speaker, and in view of the fact that what some of us refer to as the administration bill, introduced by the gentleman from New York [Mr. Kilburn] is now on the calendar, the parliamentary inquiry is whether or not under the rules of the House a motion to recommit with instructions would be in order in order that a record vote could be had on such amendment as a substitute.
>
> THE SPEAKER:(11) . . . On further examining the rules and precedents of the House, under the situation as it exists, when we go into the Committee of the Whole and the amendment is adopted, and then agreed to in the House, the rules are that a motion to recommit with instructions will not be in order.

Proceedings Vacated by Unanimous Consent To Permit Pro Forma Amendment

§ 32.6 Where an amendment in the nature of a substitute for a bill has been adopted in Committee of the Whole, the stage of amendment is passed and further amendments, including pro forma amendments for debate, are not in order; but on occasion, where the Committee of the Whole has adopted an amendment in the nature of a substitute, the Chair, by unanimous consent, has vacated that section to allow a Member to offer a pro forma amendment.

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10. 106 CONG. REC. 9416, 9417, 86th Cong. 2d Sess.

See also 108 CONG. REC. 826, 87th Cong. 2d Sess., Jan. 24, 1962.

11. Sam Rayburn (Tex.).

On May 13, 1977,(12) the Committee of the Whole having agreed to an amendment in the nature of a substitute to a bill,(13) the Chair, by unanimous consent, vacated the proceedings to permit a Member to offer a pro forma amendment. The proceedings were as follows:

> THE CHAIRMAN:(14) Are there further amendments?
>
> Hearing none, the question is on the committee amendment in the nature of a substitute, as amended.
>
> The committee amendment in the nature of a substitute, as amended, was agreed to.
>
> THE CHAIRMAN: Under the rule, the committee rises.
>
> MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Madam Chairman, I was seeking recognition by the Chair.
>
> THE CHAIRMAN: The Chair will advise the gentleman that the Chair had put the question on the committee amendment in the nature of a substitute. There were no further amendments and, under the rule, the committee rises.
>
> MR. [L. H.] FOUNTAIN [of North Carolina]: Madam Chairman, I would like to say that I was standing and was prepared to make a statement about an amendment which I was going to offer but can no longer offer because I was not recognized.
>
> THE CHAIRMAN: Without objection, the Chair will vacate the proceedings so as to permit the gentleman from North Carolina (Mr. Fountain) to make a statement.
>
> There was no objection.
>
> THE CHAIRMAN: The gentleman from North Carolina (Mr. Fountain) is recognized for 5 minutes. . . .
>
> Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.
>
> The committee amendment in the nature of a substitute, as amended, was agreed to.
>
> THE CHAIRMAN: Under the rule, the Committee rises.

Amendment to Original Text Precluded

§ 32.7 An amendment to the text of a resolution comes too late when an amendment in the nature of a substitute for such text has already been agreed to.

On Mar. 22, 1967,(15) the following proceedings took place:

> COMMITTEE AMENDMENT
>
> The Clerk read as follows:
>
>> Strike out all after the resolving clause and insert the following:
>>
>> "That the Congress supports the concept of a Latin American Common Market. . . ."
>
> The committee amendment was agreed to. . . .

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12. 123 CONG. REC. 14622, 14625, 95th Cong. 1st Sess.
13. H.R. 6810, Intergovernmental Antirecession Assistance Act of 1977.
14. Elizabeth Holtzman (N.Y.).
15. 113 CONG. REC. 7679-82, 90th Cong. 1st Sess. Under consideration was H.J. Res. 428.

The Clerk read as follows:

> Amendment offered by Mr. [Durward G.] Hall [of Missouri]: On page 6, line 18, after the period insert, "No significant additional resources contained or referred to herein shall be made available to carry out the provisions of this resolution until such time as the war in South Vietnam has ended.". . .

MR. [ARMISTEAD I.] SELDEN [of Alabama]: The Committee has already acted on the resolving clauses. . . .

THE CHAIRMAN:(16) The Chair is ready to rule. The Chair will point out that the Committee has already adopted the resolving clause amendment to the body of the resolution and consequently the amendment offered by the gentleman from Missouri comes too late.

§ 32.8 Adoption of a committee amendment in the nature of a substitute, as amended by a substitute, precludes further amendment to the committee amendment and to the bill.

On June 17, 1970,(17) the following proceedings took place:

MR. [JAMES G.] FULTON of Pennsylvania: Mr. Chairman, it has been said here on the floor by the chairman of the committee that if the amendment offered by the gentleman from Texas (Mr. Wright) or an amendment thereto should pass, then there will be further amendments introduced by the managers to the other provisions of the bill that have been stricken by the Wright amendment. I disagree.

. . . I do not see how there can be any amendment to any other provision of the present bill once those provisions are stricken and action is taken by this House inserting the Wright amendment for all the provisions after the enacting clause of the bill. . . .

THE CHAIRMAN:(18) The Chair will state that if the Wright amendment [a substitute] is adopted, then the vote would recur on the committee amendment as amended by the Wright amendment. If that were adopted, under the rule the Committee would rise.

§ 32.9 Where a committee amendment in the nature of a substitute was being read for amendment as an original bill and there was pending thereto an amendment in the nature of a substitute, the Chair indicated that the committee amendment would not be open to further amendment upon the adoption of the amendment in the nature of a substitute therefor, and in that event and upon adoption of the committee amendment as amended, the stage of amendment would be passed.

On May 11, 1972,(19) the following exchange took place:

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16. Charles M. Price (Ill.).
17. 116 CONG. REC. 20206, 91st Cong. 2d Sess. Under consideration was H.R. 17070.
18. Charles M. Price (Ill.).
19. 118 CONG. REC. 16862, 92d Cong. 2d Sess. Under consideration was H.R. 7130.

Mr. [William A.] Steiger of Wisconsin: If the Erlenborn amendment prevails, will the original bill then be open for amendment at any point?

The Chairman:(20) The Chair will answer the gentleman. If the Erlenborn substitute as amended is adopted, the vote will then occur on the committee amendment in the nature of a substitute, the Dent bill, so-called, as amended by the Erlenborn substitute, and at the conclusion of that vote, if it is agreed to, the Committee will rise and report to the House.

§ 32.10 Where there was pending an amendment in the nature of a substitute and a substitute therefor, the Chairman indicated that adoption of the substitute would preclude further amendment to the amendment in the nature of a substitute.

On July 18, 1973,(1) the following proceedings took place:

Mr. [Clement J.] Zablocki [of Wisconsin]: Madam Chairman, my parliamentary inquiry is this: As I understand it, there is an amendment in the nature of a substitute pending as offered by the gentleman from Indiana (Mr. Dennis) and there is pending the substitute of the gentleman from Florida (Mr. Bennett) and that there are several amendments to the Dennis substitute.

In order to bring the others in order, the disposition of the Bennett version would have to be acted upon first?

Is that not correct?

The Chairman:(2) Any amendments which are offered to the Dennis amendment in the nature of a substitute will have to be voted upon before the substitute for the Dennis amendment in the nature of a substitute is voted upon. . . .

The Chair would like to point out that if the committee votes on the Bennett amendment and the Bennett amendment prevails, there will be no further opportunity to amend the Dennis amendment.

§ 32.11 A substitute for a committee amendment having been agreed to, it is too late to offer an amendment to the committee amendment or to the substitute.

On Nov. 28, 1941,(3) the following proceedings took place:

The substitute amendment was agreed to.

The Chairman:(4) The question now is on the committee amendment as amended by the substitute.

Mr. [John J.] McIntyre [of Wyoming]: Mr. Chairman, I offer an amendment to the amendment. . . .

Mr. [Jesse P.] Wolcott [of Michigan]: As I understand the situation, Mr. Chairman, the substitute for the committee amendment has been

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20. Richard Bolling (Mo.).
1. 119 Cong. Rec. 24668, 93d Cong. 1st Sess. Under consideration was H.J. Res. 542.
2. Martha W. Griffiths (Mich.).
3. 87 Cong. Rec. 9201, 77th Cong. 1st Sess. Under consideration was H.R. 5990, the price control bill.
4. Jere Cooper (Tenn.).

adopted. The only amendment which would have been in order was an amendment to the substitute. Inasmuch as the substitute has been adopted, it is now too late to offer an amendment to the committee amendment.

The Chairman: That is correct.

Amendments to Remainder of Original Bill

§ 32.12 Where the Committee of the Whole adopts an amendment in the nature of a substitute for an entire bill, the remaining paragraphs of such bill are not subject to amendment.

On Apr. 29, 1949,(5) the following exchange took place:

Mr. [Francis H.] Case of South Dakota: Mr. Chairman, if this amendment which is offered as a substitute for the Wood bill should carry, is it not true that since it strikes out all after the enacting clause of the Wood bill, that then there would be no further amendments in order to the Wood bill?

The Chairman:(6) The gentleman is correct, if this amendment should be adopted.

Point of Order Against Amendment in Nature of Substitute Containing Appropriation Is in Order Following Adoption of Substitute Therefor

§ 32.13 Under Rule XXI clause 5, a point of order against an amendment containing an appropriation can be raised "at any time" during its pendency, even in its amended form, though the point of order is against the amendment as amended by a substitute and no point of order was directed against the substitute prior to its adoption.

On Apr. 23, 1975,(7) the Committee of the Whole having under consideration H.R. 6096,(8) a point of order was raised against an amendment and the following proceedings occurred:

The Chairman:(9) . . . [T]he question is on the substitute offered by the gentleman from Texas (Mr. Eckhardt) to the amendment in the nature of a substitute offered by the gentleman from Pennsylvania (Mr. Edgar).

The question was taken; and the Chair announced that the ayes appeared to have it. . . .

So the substitute amendment for the amendment in the nature of a substitute was agreed to. . . .

Mr. [Robert W.] Edgar [of Pennsylvania]: Mr. Chairman, I make the point of order that my substitute is not in order at this time because of the

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5. 95 Cong. Rec. 5335, 5336, 5355, 81st Cong. 1st Sess. Under consideration was H.R. 2032, the National Labor Relations Act of 1949.
6. Jere Cooper (Tenn.).
7. 121 Cong. Rec. 11512, 11513, 94th Cong. 1st Sess.
8. Vietnam Humanitarian and Evacuation Assistance Act.
9. Otis G. Pike (N.Y.).

Eckhardt substitute, and I reserve a point of order according to rule XXI [clause 5](10) of our rules.

The Chairman: The gentleman from Pennsylvania will have to state his point of order at this time. The point of order, as the Chair understands, was against the Edgar amendment in the nature of a substitute, as amended by the Eckhardt substitute?

Mr. Edgar: That is correct. . . .

The Chairman: . . . The Chair will read clause 5 of rule XXI of the 94th Congress. The Chair will state that the Chair does not believe it is that which was cited by the gentleman from Pennsylvania (Mr. Edgar):

> No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations, nor shall an amendment proposing an appropriation be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction. . . .

Is the gentleman now referring to the same language which the Chair has just read?

Mr. Edgar: We are referring to the same language which the Chair has read. . . .

Mr. [Bob] Eckhardt [of Texas]: Mr. Chairman, I only want to make it clear that I am raising the point of order that this point of order is made too late. I wish to reiterate the statement that I made before. The point of order is too late and, therefore, it is itself not in order.

The Chairman: The Chair is ready to rule.

The Chair did not read the entirety of that section. The section ends

> A question of order on an appropriation in any such bill, joint resolution, or amendment thereto, may be raised at any time.

Accordingly, the rule under which this legislation was considered waived points of order against the original bill. It did not waive points of order against the amendment. The rule does provide that the point of order may be raised at any time (Deschler chapter 25, section 3.2).

The point of order is sustained. The Edgar amendment, as amended, is now ruled out of order.

The Clerk will read.

Amendment in Nature of Substitute Affecting Amendments Previously Adopted

§ 32.14 It is in order to propose an amendment in the nature of a substitute for a bill and thereby omit amendments to the bill previously agreed to by the Committee of the Whole.

On Aug. 25, 1949,(11) the following proceedings took place:

The Clerk read as follows:

> Committee amendment offered by Mr. [Brent] Spence [of Kentucky] as [an amendment in the nature of] a substitute for the bill: Strike out all after the enacting clause and insert the following: "The this act may be

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10. See *House Rules and Manual* § 846a (101st Cong.).

11. 95 Cong. Rec. 12258, 12259, 12262, 12263, 81st Cong. 1st Sess. Under consideration was H.R. 6070, to amend the National Housing Act.

cited as the 'housing amendments of 1949,'. . . "

MR. [VITO] MARCANTONIO [of New York]: Mr. Chairman, I make a point of order against the amendment. The amendment offered by the committee for all purposes and effects reconsiders everything that was passed by the Committee of the Whole on yesterday. . . .

THE CHAIRMAN:[12] The Chair will state that it can be offered at any time because the entire bill is open to amendment.

As to the point of order raised by the gentleman from New York [Mr. Marcantonio], the Chair will state that he has studied the substitute offered by the gentleman from Kentucky, and there are substantive changes in it relative to changes of dates and other clerical matters.

The Chair would like to call attention to volume VIII of Cannon's Precedents, section 2905, which reads as follows:

> A substitute for an entire bill may be offered only after the first paragraph has been read or after the reading of the bill for amendment has been concluded.
>
> It is in order to propose a substitute for a section of the amendment with the same section with modification, and omitting amendments to the section previously agreed to by the Committee of the Whole.

On the basis of this decision, the Chair is constrained to overrule the point of order.

§ 32.15 Where the Committee of the Whole had adopted several committee amendments to a Senate bill, a substitute for the entire bill similar to the Senate bill but containing corrective changes was held in order.

On Apr. 21, 1948,[13] a Senate bill relating to the status of women in the armed forces was under consideration. The House Committee on Armed Services had reported the bill with a large number of committee amendments, changing the bill from one providing both regular and reserve status for women in the service to one which provided only reserve status. The committee amendments were agreed to. Mrs. Margaret Chase Smith, of Maine, then offered an amendment in the nature of a substitute for the entire bill, in effect proposing that the House adopt the Senate version. Certain corrective changes were included to make the bill conform with legislation enacted since the Senate acted on the original bill.

Mr. Overton Brooks, of Louisiana, made a point of order against the Smith amendment, stating that, since the Committee of the Whole had adopted the committee amendments, it had already, in effect, rejected the Smith proposal to adopt the Senate version. The Chairman[14] overruled the point of order, noting that the Smith amendment was different from either the Senate or House version of the bill.

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[12] Mike Mansfield (Mont.).

[13] 94 CONG. REC. 4711, 80th Cong. 2d Sess. Under consideration was S. 1641, the Women's Armed Services Reserve Bill of 1948.

Perfecting Sections That Are Proposed To Be Stricken Under Terms of Substitute

§ 32.16 While it is not in order to further amend an amendment in the nature of a substitute for several paragraphs which has been agreed to, a perfecting amendment to a paragraph of the bill proposed to be stricken out (in conformity with the purpose of the adopted substitute) may be offered while the motion to strike out is pending, and the perfecting amendment is first voted upon.

On June 15, 1972,[15] the following proceedings took place:

MR. [WILLIAM D.] HATHAWAY [of Maine]: Mr. Chairman, I have an amendment to the paragraph of the bill just read which is a single substitute for several paragraphs of the bill dealing with the Office of Education, and I hereby give notice that if the amendment is agreed to I will make motions to strike out the remaining paragraphs beginning with line 14 on page 19. . . .[16]

So the amendment was agreed to. . . .[17]

MR. HATHAWAY: Mr. Chairman, I move to strike the paragraph beginning on line 16, page 20. . . .[18]

THE CHAIRMAN:[19] Without objection, the motion is agreed to.

MR. [ALBERT H.] QUIE [of Minnesota]: Mr. Chairman, reserving the right to object, I would like to make a parliamentary inquiry. . . .

. . . I have an amendment at the desk which would, on page 21, line 1, strike out the words after "1974" down through the word "Act" on line 3. Is it possible to offer that amendment now that the Hathaway amendment has been adopted?

THE CHAIRMAN: It is possible.

AMENDMENT OFFERED BY MR. QUIE

MR. QUIE: Mr. Chairman, I offer that amendment.

The Clerk read as follows:

> Amendment offered by Mr. Quie:
> On page 21, line 1, strike out all that follows after "1974" through the word "Act" on line 3. . . .

THE CHAIRMAN: The Chair will state that the first amendment offered by Mr. Hathaway on page 19, was to the paragraph beginning on line 7 and that amendment was a substitute amendment, and was agreed to.

Now we still have to read each one of the paragraphs of the bill duplicated or modified by the Hathaway amendment, and a perfecting amendment to those paragraphs is in order even though a motion to strike out is first offered.(20)

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[14] Gordon Canfield (N.J.).

[15] See, generally, 118 CONG. REC. 21106, 21118–22, 92d Cong. 2d Sess. Under consideration was H.R. 15417.

[16] *Id.* at p. 21106.

[17] *Id.* at p. 21118.

[18] *Id.* at p. 21119.

[19] Chet Holifield (Calif.).

Mr. [James G.] O'Hara [of Michigan]: Mr. Chairman, my point of order is if a motion to strike has been made, is it not then out of order to try to amend the paragraph that the motion to strike applies to?

The Chairman: The Chair would have to rule that a perfecting amendment is in order although a motion to strike is pending.

The Chair took the view that the Quie amendment was a perfecting amendment:(21)

Mr. Quie: Mr. Chairman, a parliamentary inquiry.

The Chairman: The gentleman will state the parliamentary inquiry.

Mr. Quie: Mr. Chairman, it is my understanding that my amendment does nothing to the Hathaway amendment with the exception that it strikes out the language on line 1, page 21, after 1974 down through the word "act."

The Chairman: The gentleman is partly right and partly wrong

The motion to strike now pending applies to line 16 on page 20 to line 8 on page 21. The original Hathaway amendment has been disposed of. This is a subsequent amendment, which is a motion to strike. The gentleman from Minnesota can perfect the paragraph by striking out the lines which have been read in his amendment. He is entitled to a vote on it as a perfecting amendment, and the Chair is ready to put the question on the perfecting amendment. . . .

The Chairman: The question is on the amendment offered by the gentleman from Minnesota (Mr. Quie).

The amendment was rejected.

The Chairman: The question is on the motion to strike the language on page 20, line 16.(1)

Adoption of Substitute: Vote Recurs on Adoption of Amendment as Amended

§ 32.17 The adoption of a substitute amendment is not conclusive and a vote on the adoption of the amendment as amended by the substitute is necessary.

On Mar. 28, 1940,(2) the following took place:

Mr. [James M.] Fitzpatrick [of New York]: If the substitute is adopted, then will we vote on the Collins amendment?

The Chairman:(3) After that the committee will vote on the Collins amendment as amended by the substitute.

§ 32.18 If a substitute amendment is adopted, the question recurs on the amendment as amended by the substitute; but if the sub-

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20. 118 Cong. Rec. 21119, 21120, 92d Cong. 2d Sess.

21. *Id.* at p. 21120.

1. *Id.* at p. 21122.

2. 86 Cong. Rec. 3611, 76th Cong. 3d Sess. Under consideration was H.R. 9007, labor-security appropriation bill.

3. Frank H. Buck (Calif.).

stitute is rejected, the amendment is open to further amendment.

On Dec. 3, 1941,(4) the following proceedings took place:

> Mr. [John J.] Cochran [of Missouri]: I desire to know if the first vote is on the Smith substitute as amended, to the Ramspeck amendment to the Vinson bill?
>
> The Chairman:(5) The gentleman is correct.
>
> Mr. Cochran: Now I want to know if the Smith substitute is adopted, if the vote then comes on the Ramspeck amendment as amended by the Smith substitute?
>
> The Chairman: The gentleman is correct again. . . .
>
> Mr. Cochran: I would like to make one further parliamentary inquiry. If the Smith substitute is voted down, we then remain in Committee of the Whole and consider the Ramspeck bill, open to amendment under the 5-minute rule?
>
> The Chairman: The gentleman from Missouri is correct throughout.

§ 32.19 Where there is pending an amendment and a substitute therefor, amendments to the substitute may be offered prior to the vote on the substitute, but the vote recurs immediately upon the amendment as amended, upon adoption of the substitute.

On July 22, 1974,(6) during consideration in the Committee of the Whole of a bill, the Chair responded to a parliamentary inquiry, as indicated below:

> Mr. [Ken] Hechler of West Virginia: A parliamentary inquiry, Mr. Chairman.
>
> The Chairman:(7) The gentleman will state it.
>
> Mr. Hechler of West Virginia: If the substitute is adopted, offered by the gentlewoman from Hawaii, would it be out of order to have amendments to that section? I would like to make that parliamentary inquiry prior to the ruling of the Chair.
>
> The Chairman: Once the substitute is adopted, then a vote would be on the Hosmer amendment as amended by the substitute. Prior to the vote on the substitute, however, there could be amendments to the substitute.

§ 32.20 Where a substitute for an amendment in the nature of a substitute has been agreed to, the question recurs immediately upon the amendment as amended by the substitute, and further

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4. 87 Cong. Rec. 9395, 77th Cong. 1st Sess. Under consideration was H.R. 4139, to further expedite national defense programs with respect to naval construction, etc., by providing for the investigation and mediation of labor disputes in connection therewith.

5. William P. Cole, Jr. (Md.).

6. 120 Cong. Rec. 24453, 93d Cong. 2d Sess. Under consideration was H.R. 11500, Surface Mining Control and Reclamation Act of 1974.

7. Neal Smith (Iowa).

perfecting amendments to the amendment are not then in order.

On Feb. 5, 1976,(8) the Committee of the Whole having under consideration H.R. 9464,(9) the Chair responded to a parliamentary inquiry as described above. The proceedings were as follows:

> THE CHAIRMAN:(10) The question is on the amendment, as amended, offered as a substitute by the gentleman from Iowa (Mr. Smith) for the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Krueger). . . .
>
> So the substitute amendment, as amended, for the amendment in the nature of a substitute to the committee amendment in the nature of a substitute, was agreed to. . . .
>
> THE CHAIRMAN: The question is on the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Krueger) as amended to the committee amendment in the nature of a substitute.
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, a parliamentary inquiry. . . .
>
> . . . [I]t is my understanding that at this stage, since the Smith substitute amendment has been agreed to narrowly, that there are no further amendments to the Krueger amendment in the nature of a substitute since it was a complete substitute, is that correct?
>
> THE CHAIRMAN: That is correct.

§ 32.21 Following the adoption of a substitute for an amendment, the vote recurs immediately on the amendment as amended, and no further amendments to the amendment are in order.

An example of the proposition described above occurred on Feb. 25, 1980,(11) during consideration of H.R. 6081, Special Central American Assistance Act of 1979. The proceedings in the Committee of the Whole were as follows:

> So the amendment offered as a substitute for the amendment was agreed to.
>
> The result of the vote was announced as above recorded.
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer a perfecting amendment. . . .
>
> THE CHAIRMAN:(12) The substitute has been adopted and is no longer amendable. . . .
>
> MR. BAUMAN: The gentleman was under the impression that a perfecting amendment could still be offered.
>
> THE CHAIRMAN: . . . Is the gentleman's amendment a perfecting amendment to the original amendment?
>
> MR. BAUMAN: Yes, it is, Mr. Chairman.
>
> THE CHAIRMAN: The substitute has been agreed to and, consequently, perfecting amendments to the original amendment are not now in order.

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8. 122 CONG. REC. 2648, 2649, 94th Cong. 2d Sess.
9. Natural Gas Emergency Act of 1976.
10. Richard Bolling (Mo.).
11. 126 CONG. REC. 3628, 96th Cong. 2d Sess.
12. Thomas S. Foley (Wash.).

The question is on the amendment offered by the gentleman from California (Mr. Lagomarsino), as amended.

—No Intervening Debate

§ 32.22 Under the five-minute rule, no debate may intervene after a substitute for an amendment has been adopted and before the vote on the amendment, as amended, except by unanimous consent, since the amendment has been amended in its entirety and no further amendments including pro forma amendments are in order.

On Oct. 18, 1983,(13) during consideration of H.R. 3231(14) in the Committee of the Whole, the proceedings described above occurred as follows:

THE CHAIRMAN PRO TEMPORE:(15) The question is on the amendment offered by the gentleman from Washington (Mr. Bonker), as amended, as a substitute for the amendment offered by the gentleman from Wisconsin (Mr. Roth), as amended. . . .

MR. [TOBY] ROTH [of Wisconsin]: Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 173, answered "present" 1, not voting 19, as follows: . . .

So the amendment, as amended, offered as a substitute for the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

MR. [EDWIN V.W.] ZSCHAU [of California]: Mr. Chairman, I move to strike the last word.

THE CHAIRMAN PRO TEMPORE: Without objection, the gentleman from California (Mr. Zschau) is recognized for 5 minutes.

There was no objection.

Adoption of Amendment as Amended by Substitute Precludes Further Amendment Thereto

§ 32.23 When an amendment in the nature of a substitute for the entire bill, offered immediately after the reading of title I, was pending, the Chair advised that (1) if the amendment were rejected title I would still be pending, and (2) if the amendment were agreed to it would not be subject to further amendment.

On Sept. 29, 1965,(16) the following proceedings took place:

THE CHAIRMAN:(17) The question is on the amendment offered by the gen-

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13. 129 CONG. REC. 28185, 98th Cong. 1st Sess.
14. Export Administration Act Amendments of 1983.
15. George E. Brown, Jr. (California).
16. 111 CONG. REC. 25437, 25438, 89th Cong. 1st Sess. Under consideration was H.R. 4644.
17. Eugene J. Keogh (N.Y.).

tleman from New York [Mr. Multer]. . . .

Mr. [**Abraham** J.] **Multer**: Mr. Chairman, is it not a fact that the parliamentary situation is that if the Multer amendment, as amended by the Sisk amendment, is rejected, we will then have before us the bill, H.R. 4644, as reported by the discharge petition?

The Chairman: The Chair will advise the gentleman from New York in the event what he has described happens, then title I of the bill H.R. 4644, will be before the Committee for further action. . . .

Mr. [**Morris** K.] **Udall** [of Arizona]: Mr. Chairman, in the event that the matter now before the Committee carries and the Multer amendment, as amended by the Sisk substitute, is adopted, would it be in order to offer amendments to that substitute?

The Chairman: It would not be in order.

Substitute Agreed To as Amended, Then Rejected in Vote on Original Amendment

§ 32.24 Where a proposed substitute for an amendment is itself amended and then agreed to as amended, the rejection of the original amendment as amended by the substitute does not preclude reoffering, as an amendment to text, the same proposition as initially contained in the substitute.

In the 86th Congress, during the consideration of H.R. 8601, a bill to enforce voting rights, Mr. William M. McCulloch, of Ohio, offered the provisions of H.R. 11160 as a substitute for the amendment of Mr. John V. Lindsay, of New York, which contained the provisions of H.R. 10035, made in order under a special rule (H. Res. 359). Mr. McCulloch's substitute, which provided for the court appointment of voting referees, was amended by the amendment of Mr. Robert W. Kastenmeier, of Wisconsin, to provide for Presidential appointment of enrollment officers. The substitute, as amended, was then agreed to; the amendment, as amended by the substitute, was rejected. Mr. McCulloch then offered, as a new title to the bill, the language of H.R. 11160.

The proceedings were as follows:(18)

Mr. [**John** V.] **Lindsay** [of New York]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Lindsay: On page 12, immediately following line 7, insert the following:
>
> "TITLE VI
>
> "Sec. 601. That section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

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18. 106 Cong. Rec. 5482, 5483, 86th Cong. 2d Sess., Mar. 14, 1960.

"(a) Add the following as subsection (e) and designate the present subsection (e) subsection "(f)":

" 'In any proceeding instituted pursuant to subsection (c) of this section, in the event the court finds that under color of law or by State action any person or persons have been deprived on account of race or color of any right or privilege secured by subsection (a) or (b) of this section, and that such deprivation was or is pursuant to a pattern or practice, the court may appoint one or more persons (to be known as voting referees) to receive applications from any person claiming such deprivation as the right to register or otherwise to qualify to vote at any election and to take evidence and report to the court findings as to whether such applicants or any of them (1) are qualified to vote at any election, and (2) have been (a) deprived of the opportunity to register to vote or otherwise to qualify to vote at any election, or (b) found by State election officials not qualified to register to vote or to vote at any election.

" 'Any report of any person or persons appointed pursuant to this subsection shall be reviewed by the court and the court shall accept the findings contained in such report unless clearly erroneous. . . .

Mr. Lindsay: This is H.R. 10035 verbatim, as originally introduced, the voting referee bill.

Mr. Chairman, may I say that the parliamentary situation is such under the rule that the only voting referee measure at this point that may be offered is the text of H.R. 10035. This is the bill which provides for voting referees under the auspices and supervision of the Federal courts. . . .

If the court should find a pattern or practice of voting denials, referees may then be appointed by the court in order to receive applications from persons of like color who claim that they also have been denied the right to vote. The point to bear in mind about this amendment, and also about the substitute amendment that will be offered by the gentleman from Ohio [Mr. McCulloch], for the purpose of clarifying the amendment that I now offer, is this: that in any area where there has been found by the court to exist a pattern or practice of denials of the right to vote on constitutional grounds, the matter from then on is resolved by the court. A referee may be appointed by the Federal judge in order to perform the normal functions that he would perform but obviously cannot perform because of the burdens that would be placed upon him. It is designed to keep the matter in local hands, a local Federal judge, and local Federal referees appointed by the Court. . . .

I shall say a word about the differences between this amendment and the proposed substitute. They are of procedure only. The substitute will ensure, by specific language, that any local, State registrar who takes exception to the action of a voting referee will have an opportunity to have a full judicial hearing by the court if he presents a genuine issue of fact. He is given plenty of notice. The Deputy Attorney General testified that even under the original bill, which I have introduced by way of amendment, due process would require an opportunity for a hearing. The substitute will spell this out in specific language. . . .

The Chairman:(19) The Clerk will report the substitute amendment of-

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19. Francis E. Walter (Pa.).

fered by the gentleman from Ohio [Mr. McCulloch].

The Clerk read as follows:

> Amendment offered by Mr. McCulloch as a substitute for the amendment offered by Mr. Lindsay: On page 12, immediately below line 7, in lieu of the text proposed to be added by the Lindsay amendment insert the following:
>
> "TITLE VI
>
> "*Voting rights*
>
> "Sec. 601. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:
>
> " '(a) Add the following as subsection (e) and designate the present subsection (e) as subsection "(f)":
>
> " 'In any proceeding instituted pursuant to subsection (c), in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General, and after each party has been given notice and the opportunity to be heard, make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote. . . .
>
> " 'The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.". . .

On the following day,[20] an amendment was offered to the substitute:

Mr. [Robert W.] Kastenmeier [of Wisconsin]: Mr. Chairman, I offer an amendment to the substitute.

The Clerk read as follows:

> Amendment offered by Mr. Kastenmeier: On page 1, line 8 of the McCulloch substitute, before the word "In", insert "(e)(1)(A)" and on page 1 of the McCulloch substitute strike out "that any person has been deprived" on line 9 and all that follows down through the last page of such substitute, and insert in lieu thereof the following: "that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration, of the opportunity of registration, for elections because of their race or color, the Attorney General shall notify the President of the United States of such finding.
>
> "(B) Whenever the Commission on Civil Rights . . . finds that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration of the opportunity of registration, for election because of their race or color, the Commission shall notify

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[20] 106 Cong. Rec. 5644, 5645, 5655–58, 86th Cong. 2d Sess., Mar. 15, 1960.

> the President of the United States of such finding.
>
> "(2) Upon any notification of a finding pursuant to paragraph (1) of this subsection, the President is authorized to establish a Federal Enrollment Office in each registration district that includes the locality or area for which such finding has been made and to appoint one or more Federal Enrollment Officers for such district from among officers or employees of the United States who are qualified voters within such district. . . .

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Wisconsin [Mr. Kastenmeier]. . . .

So the amendment to the substitute amendment was agreed to.

THE CHAIRMAN: The question is on the substitute amendment offered by the gentleman from Ohio [Mr. McCulloch], as amended. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, if I understand the situation correctly, and I wish the Chair would explain what the situation is, the Committee is now voting on the substitute amendment offered by the gentleman from Ohio [Mr. McCulloch] to the bill H.R. 10035.

THE CHAIRMAN: Under the rule, as the gentleman well knows, it was made in order to consider the text of the bill H.R. 10035, as an amendment to the bill H.R. 8601. The amendment was offered by the gentleman from New York [Mr. Lindsay] and a substitute for that amendment was offered by the gentleman from Ohio [Mr. McCulloch]. The substitute amendment has been amended and the Committee is about to vote upon the substitute amendment, as amended.

MR. BROWN of Ohio: In other words, we are voting on the substitute amendment, and if that should be defeated, then the so-called Lindsay amendment will still be in order.

THE CHAIRMAN: If the substitute amendment is defeated, then the amendment offered by the gentleman from New York [Mr. Lindsay] is still before the Committee for further consideration.

MR. BROWN of Ohio: I thank the Chairman.

THE CHAIRMAN: The question is on the substitute amendment offered by the gentleman from Ohio [Mr. McCulloch], as amended.

The Committee divided, and the tellers reported that there were—ayes 179, noes 116.

So the substitute amendment was agreed to.

THE CHAIRMAN: The question recurs on the Lindsay amendment as amended by the McCulloch substitute.

The question was taken; and on a division (demanded by Mr. Celler) there were--ayes 195, noes 155.

MR. MCCULLOCH: Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Celler and Mr. McCulloch.

The Committee again divided and the tellers reported that there were—ayes 143, noes 170.

So the amendment was rejected.

MR. [WILLIAM M.] MCCULLOCH [of Ohio]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. McCulloch: On page 12, immediately below line 7, insert the following:

"TITLE VI

Sec. 601. That section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

"(a) Add the following as subsection (e) and designate the present subsection (e) as subsection '(f)':

" 'In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote. . . .

" 'The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. . . .

Mr. [Howard W.] Smith of Virginia: Mr. Chairman, I make a point of order against this amendment for several reasons. One is that the rule under which we are operating gives protection only to H.R. 10035 and to no other substitute proposal. In other words, the original bill, the Lindsay amendment, which has already been defeated, was a bill that the rule makes in order. We have already voted upon this bill within the last 30 minutes. The only difference between this bill and the bill we just voted down is two or three very minor corrections; very minor; so minor that many of us are greatly disappointed.

Mr. Chairman, the matter has been passed upon. The House has voted upon it within the last 30 minutes. I make the point of order that it cannot be reintroduced. . . .

Mr. [Edwin E.] Willis [of Louisiana]: I want to understand very clearly the bill or the proposal that the gentleman has offered. This is a very simple question. Am I correct that the proposal now on the desk is identical to the bill H.R. 11160 except for the deletion of the language appearing on page 5, lines 9 through 13?

Mr. McCulloch: The answer is "Yes.". . .

Mr. Smith of Virginia: . . . I make the . . . point of order that this amendment has been once defeated. . . .

The Chairman: May the Chair call the gentleman's attention to the fact that this has never been voted on. The language contained in this amendment was a substitute for another amendment.

Mr. Smith of Virginia: It was a substitute for that and it was offered yesterday afternoon by the gentleman from Ohio [Mr. McCulloch] and printed in the Record.

THE CHAIRMAN: But, I should like to remind the gentleman, as a substitute for the bill made in order under the rule.

After some further discussion of this and other points of order, the Chairman allowed the amendment.

Parliamentarian's Note: Whether a proposition contained in a substitute may be reoffered in a different form after it has failed of approval depends on the circumstances. Clearly, where the actual proposition was never voted on because of changes made through the amendment process (as where a substitute for an amendment is itself amended, then rejected in a vote on the amendment), the proposition may be offered again as, for example, an amendment to text. But even actual rejection of the proposition contained in the substitute should not necessarily preclude its being offered as an amendment to text. For example, where an amendment is offered, and then a substitute for that amendment, the consideration of that substitute necessarily proceeds with reference only to the particular amendment to which offered. This may present a different question from that which would arise if the language of the substitute were considered with reference to the text of the bill. For further discussion of when a proposition that has been rejected may be reoffered in different form, see 8 Cannon's Precedents § 2843.

On the other hand, it may happen that reoffering the language of the substitute presents precisely the same question that has already been voted on. Thus, if a substitute for an amendment is agreed to (in effect becoming an amendment to text by supplanting the original amendment), and then the amendment as amended by the substitute is rejected, the proposition contained in the substitute may not be reoffered to that text. In this case, the question presented by reoffering the language as an amendment to text would be exactly the same as that already disposed of.

Reoffering Amendment That Had Been Adopted as Amended by Substitute

§ 32.25 While it is not in order to offer an amendment merely changing the text of a proposition perfected by amendment or to offer an amendment identical to one which has been defeated, a Member may reoffer an amendment which he has previously offered and which has been adopted as amended by a substitute, where the amend-

ment is more extensive than the substitute which was adopted in its place.

On Apr. 27, 1977, the Committee of the Whole had under consideration the first concurrent resolution on the budget for fiscal 1978, House Concurrent Resolution 195. Mr. Otis G. Pike, of New York, offered a perfecting amendment[21] which struck out certain figures and inserted others in their place, with respect to provisions relating to such items as total new budget authority; appropriate level of total budget outlays; appropriate level of the public debt; increase in the statutory limit on public debt; budget authority and outlays for national defense; and a category, "allowances," a portion of which related to pay increases for certain executive employees and federal judges.

Mr. Omar Burleson, of Texas, offered an amendment[1] as a substitute for the Pike amendment, which affected most, but not all, of the figures in the Pike amendment. The Burleson amendment, and the Pike amendment as so amended, were agreed to.[2]

Subsequently, Mr. Pike offered an amendment[3] that was in its scope and effect substantially the same as the amendment he had previously offered. (It should be noted that technical changes had been made in the figures of the amendments so that they were in conformity with amendments adopted after the Pike amendment as amended by the Burleson substitute.) He explained the effect of his proposed amendment as follows:

> Mr. Pike: Mr. Chairman, when we entered the Chamber yesterday, the Budget Committee had a budget resolution which called for a deficit of $64.3 billion. At the moment we have a resolution which calls for a deficit of $68.6 billion. In 2 days we have added $4.3 billion to the deficit. Mr. Chairman, everybody talks about national priorities, and obviously we have different views of what our national priorities are. It is obvious that things for defense and for veterans are high on our list of national priorities, and things for the benefit of social welfare programs are low on our list of national priorities, because that is the way we voted here. Frankly, I have voted against all of the amendments which increased the budget and increased the budget deficit, and I am a little embarrassed that I am again offering an amendment which reduces the budget and reduces the budget deficit. This is the same amendment

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[21] 123 Cong. Rec. 12483, 95th Cong. 1st Sess.

[1] *Id.* at p. 12485.

[2] *Id.* at pp. 12503, 12504.

[3] *Id.* at p. 12521.

which I offered earlier. It reduces spending in two categories—allowances and defense—a total of $130 million, which is the amount of the 29 percent or 28 percent pay raise which people in those categories outside of the Congress got. We have discussed it already. The committee accepted it once. It got wiped out by the Burleson amendment.

After debate on the Pike amendment, the amendment was rejected.

§ 33. Amendments Pertaining to Monetary Figures

Amendment Changing Figure Previously Agreed Upon

§ 33.1 When a specific amendment to a figure in a bill has been agreed to, further amendment of that sum is not in order.

On July 25, 1967,(4) the following proceedings took place:

The Clerk read as follows:

Amendment offered by Mr. [Robert N.] Giaimo [of Connecticut]: On page 4, lines 16 and 17, after "commitment of the Government to construction);" strike out "$936,750,000" and insert in lieu thereof "$935,074,000.". . .

So the amendment was agreed to....

The Clerk read as follows:

Amendment offered by Mr. [J. William] Stanton [of Ohio]: On page 4, lines 16 and 17, strike out "$936,750,000" and insert in lieu thereof "$936,000,000". . . .

Mr. [Jamie L.] Whitten [of Mississippi]: Mr. Chairman, it is my understanding that the amount has already been amended, and having been amended, a second amendment for the same purpose would not lie at this time. . . .

The Chairman:(5) The Chair rules that the amendment offered by the gentleman from Ohio which has just been read is out of order and sustains the point of order.

§ 33.2 Where a sum has been specifically changed by amendment, it is not in order to further change the same figure by a direct amendment.

On June 28, 1967, the Committee of the Whole had under consideration H.R. 10340, authorizing appropriations for the National Aeronautics and Space Administration. Amendments affecting the total authorization were offered:(6)

Amendment offered by Mr. [James G.] Fulton of Pennsylvania:

On Page 1, line 5, strike the amount "$4,992,182,000" and insert in lieu thereof the amount "$4,742,182,000". . . .

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4. 113 Cong. Rec. 19985, 19991, 19992, 90th Cong. 1st Sess. Under consideration was H.R. 11641.

5. Wayne N. Aspinall (Colo.).

6. 113 Cong. Rec. 17739, 90th Cong. 1st Sess.

Amendment offered by Mr. [Richard L.] Roudebush [of Indiana] to the amendment offered by Mr. Fulton of Pennsylvania: On page 1, line 5, strike the amount, $4,992,182,000 and insert in lieu thereof the amount $4,927,182,000.

On page 2, line 1, strike the amount of $444,700,000 and insert in lieu thereof the amount $379,700,000. . . .

The Roudebush amendment, and the Fulton amendment as amended thereby, were agreed to.(7) Subsequently, Mr. Roudebush offered a further amendment:(8)

The Clerk read as follows:

Amendment offered by Mr. Roudebush: On page 1, line 5, strike out the amounts "$4,992,182,000" and insert in lieu thereof the amount "$4,982,182,000" and on page 2, line 22, strike out the amount "$30,000,000" and insert in lieu thereof the amount "$20,000,000".

After some discussion as to whether the amendment accurately reflected changes in the figures made by previous amendments, the amendment was resubmitted in the following form:

Amendment offered by Mr. Roudebush: On page 1, line 5, strike the amount "$4,992,182,000" and insert in lieu thereof the amount "$4,927,182,000.".

On page 2, line 22, strike the amount "$30,000,000" and insert in lieu thereof the amount "$20,000,000".

The following parliamentary inquiry arose:

Mr. [Joseph E.] Karth [of Minnesota]: Mr. Chairman, my inquiry is whether or not the figure on line 5, page 1, can be further amended inasmuch as it has already been amended?

The Chairman:(9) The Chair will state, if a timely point of order is made, the Chair will respond to the gentleman's parliamentary inquiry that line 5 on page 1 cannot be amended. . . .

Mr. Karth: Mr. Chairman, if that figure cannot be further amended, and the gentleman chooses to pursue his amendment, and change the figure on page 2, would it then be a proper amendment?

The Chairman: The Chair does not pass on that until an amendment described by the gentleman from Minnesota is offered.

The gentleman's parliamentary inquiry is premature. It cannot be made until such an amendment is offered.

Mr. Roudebush then offered his amendment, omitting direct reference to the figure for the total authorization:(10)

The Clerk read as follows:

Amendment offered by Mr. Roudebush: On page 2, line 22, strike the amount "$30 million" and insert in lieu thereof the amount "$20 million". . . .

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(7) *Id.* at p. 17748.

(8) *Id.* at p. 17754.

(9) John J. Flynt (Ga.).

(10) 113 Cong. Rec. 17755, 90th Cong. 1st Sess.

Mr. Karth: Mr. Chairman, now that the amendment is here, I again renew my request for a ruling as to whether or not the amendment that the gentleman proposes to make on page 2 can be legitimately made without changing his figure on page 1. I raise that point of order, Mr. Chairman. . . . My point of order is, If the gentleman proceeds with his amendment as it has been read by the Clerk, reducing the amount on line 22 by $10 million and he does not change the total on line 5 of page 1, it seems to me that the amendment is not in proper order.

The Chairman: Will the gentleman state his point of order in a form on which the Chair can rule?

Mr. Karth: The point of order I raise, Mr. Chairman, is against the amendment.

The Chairman: On what basis?

Mr. Karth: On the basis that it is not a properly drawn amendment, that it does not affect the bill as it otherwise would if it were proper.

The Chairman: The Chair overrules the point of order. The Chair does not make rulings on the consistency of language in amendments offered to the bill.

The gentleman from Indiana [Mr. Roudebush] is recognized for 5 minutes. . . .

Mr. [Robert C.] Eckhardt [of Texas]: Mr. Chairman, I make the point of order that the amendment offered has the effect of changing the figure on page 1, line 5, by reducing it $10 million, and, therefore, affects line 5, which has already been amended at a previous time.

The Chairman: The Chair is ready to rule on the point of order.

The Chair will state that the point of order made by the gentleman from Texas is substantially the same point of order made by the gentleman from Minnesota. The Chair does not rule on the question of whether an amendment to one point would amend another point in the bill.

The present amendment offered by the gentleman from Indiana relates to line 22 on page 2 and has no effect at this time on line 5, page 1.

The Chair, therefore, overrules the point of order of the gentleman from Texas.

§ 33.3 It is not in order by further amendment to merely change a figure already amended.

On Apr. 30, 1975,(11) the House having resolved into the Committee of the Whole, the Chair responded to parliamentary inquiries regarding the procedures for consideration of House Concurrent Resolution 218(12) as indicated below:

Mr. [Brock] Adams [of Washington]: Mr. Chairman, would the Chair state the procedures governing the consideration of this first budget resolution?

The Chairman:(13) . . . The procedures governing consideration of

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11. 121 Cong. Rec. 12403, 12404, 94th Cong. 1st Sess.
12. Setting forth the congressional budget on an aggregate basis for fiscal 1976.
13. Richard Bolling (Mo.).

> budget resolutions are set forth in section 305(a) of the Congressional Budget and Impoundment Control Act of 1974. They are as follows:
>
> First, 10 hours are permitted for general debate, which is to be equally divided between the majority and minority parties. . . .
>
> Second, amendments are to be considered under the 5-minute rule. . . .
>
> Third, after the Committee of the Whole rises and reports the resolution back to the House, the previous question is considered to be ordered on the resolution and any amendments to the resolution to final passage without intervening motion, except that at any time prior to final passage, it is in order to adopt an amendment or series of amendments changing any figure or figures in the resolution to the extent necessary to achieve mathematical consistency. . . .
>
> Mr. [Delbert L.] Latta [of Ohio]: . . . Am I correct in assuming that once a figure in the resolution is amended, it is no longer subject to further amendment?
>
> The Chairman: The gentleman from Ohio (Mr Latta) is correct. A further amendment merely changing that amended figure would not be in order.

§ 33.4 Where there was pending in Committee of the Whole a perfecting amendment changing several figures, including the function for national defense, in a concurrent resolution on the budget, the Chair indicated in response to a parliamentary inquiry that if such amendment were adopted, a further amendment would not be in order which merely sought to change the amended figures.

On Apr. 27, 1977,(14) the Committee of the Whole having under consideration House Concurrent Resolution 195,(15) the Chair responded to a parliamentary inquiry regarding a pending amendment, as described above. The proceedings were as follows:

> Amendment offered by Mr. [Otis G.] Pike [of New York]: In the matter relating to the appropriate level of total new budget authority strike out "$580,757,000,000" and insert in lieu thereof "$500,627,000,000";
>
> In the matter relating to the appropriate level of total budget outlays strike out "$463,857,000,000" and insert in lieu thereof "$463,727,000,000". . .
>
> In the matter relating to national defense, strike out "$115,986,000,000" in budget authority and insert in lieu thereof "$115,968,000,000"; and strike out "$109,647,000,000" in outlays and insert in lieu thereof "$109,629,000,000". . . .
>
> Mr. [Richard H.] Ichord [of Missouri]: Mr. Chairman, I have a parliamentary inquiry. . . .
>
> I understand that the amendment offered by the gentleman from New York (Mr. Pike) does touch upon the national defense category.

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14. 123 Cong. Rec. 12483–85, 95th Cong. 1st Sess.
15. The first concurrent resolution on the budget, fiscal 1978.

I am very deeply concerned, Mr. Chairman, because the gentleman from Texas (Mr. Burleson) has an amendment which also touches upon the defense category and would restore the President's budget on national defense to $120.1 billion, as requested by President Carter.

My question is, Mr. Chairman, if this amendment is adopted, would the amendment of the gentleman from Texas (Mr. Burleson) be in order?

THE CHAIRMAN:(16) The Chair would like to advise the gentleman from Missouri (Mr. Ichord) that if the amendment offered by the gentleman from New York (Mr. Pike) changes the figure in the category which the gentleman has suggested, then an amendment merely seeking to further change that figure in the same category would not be in order.

For the benefit of the gentleman from Missouri (Mr. Ichord), the Chair would like to cite from page 721 of our new manual which provides as follows:

> Where there is pending in the Committee of the Whole a perfecting amendment to a concurrent resolution on the budget changing several figures therein, the Chair indicated that adoption of that amendment would preclude further amendments merely changing those amended figures.

That is in answer to the gentleman's inquiry. Therefore, such an amendment as the gentleman has in mind would not be in order at that time.

However, if the amendment to be proposed and to be offered by the gentleman from Texas should be more inclusive in nature, changing other unamended portions of the resolution, then such an amendment might be in order.

§ 33.5 An amendment is not in order if it seeks merely to change the same figure in a bill that has previously been changed by an amendment considered and agreed to with others en bloc.

On Aug. 7, 1978,(17) during consideration of H.R. 13635(18) in the Committee of the Whole, Mr. William L. Dickinson, of Alabama, offered amendments and asked unanimous consent that they be considered en bloc. Mr. William S. Cohen, of Maine, addressed a parliamentary inquiry to the Chair as to whether he would be precluded from offering an amendment to the same monetary figure as that sought to be changed by one of the en bloc amendments. The Chair responded that if the amendments offered en bloc were agreed to, an amendment would not be in order to further change the figure so changed by the en bloc amendment. The proceedings were as follows:

MR. DICKINSON: Mr. Chairman, I offer amendments and ask unanimous

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16. William H. Natcher (Ky.).

17. 124 CONG. REC. 24705, 95th Cong. 2d Sess.

18. The Department of Defense appropriation bill, fiscal 1979.

consent that they be considered en bloc.

The Clerk read as follows:

> Amendments offered by Mr. Dickinson: On page 6, line 15, strike "$11,705,155,000;" and insert in lieu thereof "$11,691,754,000;".
>
> On page 14, line 24, strike "$916,708,000" and insert in lieu thereof "$917,401,000". . . .

Mr. Cohen: Mr. Chairman, I have a parliamentary inquiry. . . .

. . . I have an amendment at the desk to page 6, line 15, which includes the same amount of money that is on line 15.

If the gentleman from Alabama (Mr. Dickinson) proceeds with consolidated amendments, will I still have the opportunity to offer a substitute to the amendment of the gentleman from Alabama?

The Chairman:(19) The Chair will state that if the amendments offered en bloc are agreed to, the gentleman would be precluded from offering his amendment.

Mr. Cohen: Then, Mr. Chairman, if I would not be allowed to offer my amendment as a substitute for that of the gentleman from Alabama, I would have to object to the unanimous-consent request.

The Chairman: Objection is heard.

Parliamentarian's Note: The Cohen amendment could have been offered as either a perfecting amendment to or a substitute for the Dickinson en bloc amendments.

§ 33.6 A point of order that an amendment changed a portion of the text already changed by amendment, and relating to monetary figures, was conceded and sustained.

On June 26, 1979, the Committee of the Whole had under consideration H.R. 3930, the Defense Production Act Amendments of 1979. The Clerk read the bill, which stated in part:(20)

> "Sec. 305. (a) The President, utilizing the provisions of this Act and any other applicable provision of law, shall attempt to achieve a national production goal of at least 500,000 barrels per day crude oil equivalent of synthetic fuels and synthetic chemical feedstocks not later than five years after the effective date of this section. The President is authorized and directed to require fuel and chemical feedstock suppliers to provide synthetic fuels and synthetic chemical feedstocks in any case in which the President deems it practicable and necessary to meet the national defense needs of the United States.

Mr. James C. Wright, Jr., of Texas, offered amendments which affected this and other provisions of the bill. The amendment, and some discussion of it by Mr. Wright, follow:(21)

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19. Dan Rostenkowski (Ill.).

20. 125 Cong. Rec. 16663, 96th Cong. 1st Sess.

21. *Id.* at p. 16668.

Mr. Wright: Mr. Chairman, I offer amendments.

The Clerk read as follows:

> Amendments offered by Mr. Wright: Page 5, line 2, strike out the period after "section" and insert in lieu thereof "and at least 2,000,000 barrels per day crude oil equivalent of synthetic fuels and synthetic chemical feedstocks not later than ten years after the effective date of this section."
>
> Page 5, line 24, strike out "goal" and insert in lieu thereof "goals".
>
> Page 8, line 16, strike out "goal" and insert in lieu thereof "goals".
>
> Page 10, line 23, strike "appropriated $2,000,000,000" and insert in lieu thereof "appropriated from general funds of the Treasury not otherwise appropriated or from any fund hereafter established by Congress after the date of enactment of this sentence not to exceed $3,000,000,000".

Mr. Wright: Mr. Chairman, the amendments that I offer would increase the goal from the 500,000 barrels a day that we authorize and direct the President to achieve by 1985 or by 5 years from the enactment date to encompass an additional goal of 2 million barrels a day by 1990. We believe that is an achievable goal. The administration says that it is an achievable goal. The Department of Energy says that this goal can be achieved.

Why should we go to 2 million barrels a day instead of just stopping at 500,000? Quite obviously because the great problem that confronts this Nation, the problem that is getting worse and not better, is our growing vulnerability to and reliability upon foreign nations, particularly OPEC nations, for our supply. That is why we have shortages now, because we are importing almost 9 million barrels daily. Almost 9 million barrels a day. That is our deficiency. It certainly is not too much to commit ourselves in 10 years to produce at least 2 million barrels to reduce our Nation's vulnerability.

The Wright amendments were agreed to.(22) Subsequently, Mr. Richard Kelly, of Florida, offered amendments which in part affected the provisions amended by the Wright amendment.(23)

Mr. Kelly: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Kelly: Page 3, line 7, after "thereof" strike $38,000,000" and insert in lieu thereof—"$100,000,000".
>
> Page 4, line 5, strike "$48,000,000" and insert in lieu thereof "$125,000,000".

Mr. Kelly (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be limited to that which has been read and that the two portions of the amendment be considered en bloc.

The Chairman:(1) Is there objection to the request of the gentleman from Florida?

Mr. [Richard L.] Ottinger [of New York]: Mr. Chairman, reserving the right to object, can the gentleman give me an idea what he seeks to do?

The Chairman: The gentleman from Florida will restate his unanimous consent request.

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22. *Id.* at p. 16674.
23. *Id.* at pp. 16678, 16679.
1. Gerry E. Studds (Mass.).

Mr. Kelly: The unanimous-consent request is that the amendment be limited to the portion that has been read and that since there are two parts to it, they be considered en bloc.

Mr. Ottinger: What is the effect of it? I just do not understand.

Mr. Kelly: The effect of the amendment is to increase the guaranty authority and the loan authority.

Mr. Ottinger: Mr. Chairman, I think that is a very bad idea, and I object.

The Chairman: Objection is heard.

The Clerk will continue to read the amendment.

The Clerk continued to read the amendment as follows:

> Page 4, line 25, strike "500,000" and insert in lieu thereof "400,000".
>
> Page 5, line 2, after "section." insert the following: "Thereafter production of synthetic fuels and synthetic chemical feedstocks shall proceed according to the following schedule: at least 800,000 barrels per day crude oil equivalent not later than ten years after the effective date of this section, at least 1,200,000 barrels per day not later than fifteen years after the effective date of this section, at least 1,600,000 barrels per day not later than twenty years after the effective date of this section, and at least 2,000,000 barrels per day not later than twenty-five years after the effective date of this section. Said production goals shall be subject to review by Congress every two years."
>
> Page 5, line 24, strike out "goal" and insert in lieu thereof "goals".
>
> Page 8, line 16, strike out "goal" and insert in lieu thereof "goals". . . .

Mr. [Albert A.] Gore [Jr., of Tennessee]: Mr. Chairman, a point of order.

The Chairman: The gentleman will state it.

Mr. Gore: If I am not mistaken, Mr. Chairman, the Wright amendment, which has already been acted upon, amended page 4, line 25, and changed the 500,000 figure already. The gentleman seeks to return to that line and change the figure once again, which has already been changed.

I would think that a point of order would lie against the amendment.

The Chairman: Does the gentleman from Florida wish to be heard?

Mr. Kelly: Mr. Chairman, I have a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Kelly: Mr. Chairman, is it not within my authority to limit my amendment to the first four lines of the amendment as it is printed?

The Chairman: The gentleman may offer a new amendment if he wishes.

Mr. Kelly: I do offer a new amendment, Mr. Chairman, which is limited to the first four lines.

The Chairman: Does the gentleman concede the point of order on the original amendment?

Mr. Kelly: Yes, Mr. Chairman.

The Chairman: The point of order is conceded and therefore sustained.

§ 33.7 Where an amendment changing a figure in an appropriation bill has been agreed to, a subsequent amendment merely making a further change in that figure is not in order.

An example of the proposition described above occurred on July

17, 1985,⁽²⁾ during consideration of H.R. 2965. When a paragraph funding the Legal Services Corporation was read, the proceedings in the Committee of the Whole were as follows:

> For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $305,000,000; . . .

MR. [MANUEL] LUJAN [Jr., of New Mexico]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Lujan: On page 40, line 12, delete "305,000,000" and insert in lieu thereof "305,500,000". . . .

THE CHAIRMAN:⁽³⁾ The question is on the amendment offered by the gentleman from New Mexico (Mr. Lujan).

The amendment was agreed to. . . .

MR. [TOM] DELAY [of Texas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. DeLay: On page 40, strike line 12 and insert in lieu thereof: "1974, as amended, $274,500,000: *Provided,* That none of".

MR. [NEAL] SMITH of Iowa: Mr. Chairman, I make a point of order that we have already passed an amendment to that action. . . .

MR. DELAY: Mr. Chairman, my amendment was prepared, I believe if I am not correct, in advance of the amendment of the gentleman from New Mexico. I just hoped to be able to offer my amendment at this point in the Record.

THE CHAIRMAN: The Chair is constrained to support the point of order of the chairman of the subcommittee in that this figure has already been amended once, and that precludes a further amendment to the figure.

Parliamentarian's Note: Although it is not in order to offer an amendment merely changing an amendment already adopted, it is in order to offer a subsequent amendment more comprehensive than the amendment adopted, changing unamended portions of the bill as well.⁽⁴⁾ Here, the DeLay amendment merely reiterated unamended text, thus was not "broader" than the Lujan amendment.

§ 33.8 Until adoption of an amendment to strike out and insert changing a figure in a bill, further amendments to change the figure are in order.

On Nov. 18, 1981,⁽⁵⁾ the Committee of the Whole having under

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2. 131 CONG. REC. 19444, 99th Cong. 1st Sess.
3. George E. Brown, Jr. (Calif.).
4. See, for example, 131 CONG. REC. 19648, 19649, 19652, 99th Cong. 1st Sess., July 18, 1985 (amendments offered by Mr. Hank Brown, of Colorado, to H.R. 2942, Legislative Branch Appropriations for fiscal 1986).
5. 127 CONG. REC. 28048, 97th Cong. 1st Sess.

consideration H.R. 4995,(6) the above-stated proposition was illustrated as indicated below:

MR. [ELLIOTT H.] LEVITAS [of Georgia]: If the amendment of the gentleman from New York is not agreed to, would it then be in order for a further amendment to the same figures to be offered relating solely to the basing mode?

THE CHAIRMAN:(7) If the amendment is not agreed to and the figures are not changed, further amendments to those figures and to this paragraph would be in order.

Amendment Changing Total Figure

§ 33.9 Where the Committee of the Whole has adopted an amendment changing the total figure in a paragraph of an appropriation bill, it is not in order to further amend such figure.

On July 30, 1969,(8) the following proceedings took place:

The Clerk read as follows:

Amendment offered by Mr. [David H.] Pryor of Arkansas: . . .
On page 30, line 3, strike out "$126,209,000," and insert in lieu thereof "135,394,000". . . .

So the amendment was agreed to.

Amendment offered by Mr. [Torbert H.] Macdonald of Massachusetts: On page 30, line 3, strike out "$126,209,000" and insert in lieu thereof "$130,834,000". . . .

MR. [DANIEL J.] FLOOD [of Pennsylvania]: . . . I submit, Mr. Chairman, in support of my point of order that this has already been amended, and the gentleman's amendment is, therefore, not in order. . . .

THE CHAIRMAN:(9). . . The Pryor amendment modified the sum of $126,209,000, to $136,394,000. Therefore, it is not subject to further amendment.

Subsequent Amendment Making Percentage Reduction of Figures in Bill

§ 33.10 After adoption of an amendment or amendments changing monetary figures in a bill, further amendments merely changing those figures are not in order, but an amendment making a general percentage reduction in all figures contained in the bill and indirectly affecting those figures, would still be in order.

On Aug. 7, 1978,(10) during consideration of H.R. 13635 (the Defense Department appropriations) in the Committee of the Whole,

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6. Department of Defense appropriation bill for fiscal year 1982.
7. Dan Rostenkowski (Ill.).
8. 115 CONG. REC. 21456, 21458, 21459, 91st Cong. 1st Sess. Under consideration was H.R. 13111.
9. Chet Holifield (Calif.).
10. 124 CONG. REC. 24686, 24689, 24690, 95th Cong. 2d Sess.

the situation described above occurred as follows:

Mr. [William L.] Dickinson [of Alabama]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Dickinson: On page 2, line 11, strike "$9, 123,000" and insert in lieu thereof "$9,125,299,000". . . .

Mr. [Harold L.] Volkmer [of Missouri]: Mr. Chairman, I would like to make a parliamentary inquiry. In the event the amendments offered by the gentleman from Alabama, which probably go to titles I, III, and IV—perhaps not IV, but III at least—anyway, to more than one title, if they were adopted, would that preclude thereafter a general 2-percent across-the-board amendment to the same title?

The Chairman Pro Tempore: The amendments of the gentleman from Alabama go to at least four titles of the bill, and to the extent that they change figures by amendment, they are not subject to further amendment if adopted.

Mr. Volkmer: Would a general 2-percent across-the-board cut, which does not actually change the figure, be in order?

The Chairman Pro Tempore: That would still be in order.

Amendment Imposing Dollar Limits as Modifying Amendment Already Adopted

§ 33.11 Where an amendment inserting a new paragraph in an appropriation bill has been agreed to, it is too late to offer a further amendment to the page and lines of the bill encompassed by the adopted amendment, where the proffered amendment is in effect a proviso within the adopted language and seeks to impose dollar limits on programs covered by the bill.

On July 23, 1970,[11] during consideration of H.R. 18515, a portion of the bill was stricken on a point of order, whereupon Mr. Robert H. Michel, of Illinois, offered an amendment, subsequently agreed to, which restored some of the stricken language. Thereafter, Mr. George H. Mahon, of Texas, offered an amendment which was in effect a proviso to the Michel amendment (and, on that basis, offered too late) but which Mr. Mahon sought to offer as an amendment to the bill. The proceedings were as follows:

The Chairman:[12] The Clerk will read.

The Clerk read as follows:

> Office of Economic Opportunity
>
> ECONOMIC OPPORTUNITY PROGRAM
>
> For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88-452, approved August 20, 1964), as amended, $2,046,200,000, plus reimbursements: *Provided*, That this

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[11] 116 Cong. Rec. 25634-36, 91st Cong. 2d Sess.

[12] Chet Holifield (Calif.).

> appropriation shall be available for transfers to the economic opportunity loan fund for loans under title III, and amounts so transferred shall remain available until expended: *Provided further,* That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964, and for purchase of real property for training centers: *Provided further,* That this appropriation shall not be available for contracts under titles I, II, V, VI, and VIII extending for more than twenty-four months: *Provided further,* That no part of the funds appropriated in this paragraph shall be available for any grant until the Director has determined that the grantee is qualified to administer the funds and programs involved in the proposed grant: *Provided further,* That all grant agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant: *Provided further,* That those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels shall not be effective during the fiscal year ending June 30, 1971. . . .

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Chairman, I make a point of order against the language beginning on page 38, line 25, and on page 39 through line 3. The language reads:

> *Provided further,* That those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels shall not be effective during the fiscal year ending June 30, 1971.

Mr. Chairman, this is legislation in an appropriation bill and sets aside all the earmarking that we provided for in the Economic Opportunity Authorization Act.

THE CHAIRMAN: Does the gentleman from Pennsylvania desire to be heard on the point of order?

MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Chairman, we concede the point of order.

THE CHAIRMAN: The point of order is conceded and the Chair therefore sustains the point of order. . . .

MR. [DURWOOD G.] HALL [of Missouri]: Mr. Chairman, I make a further point of order under this title and under the heading "Office of Economic Opportunity," on page 38, lines 1 through 25, including the colon after the word "grant", predicated upon the fact that this is further legislation in an appropriation bill and that it involves specifically, Mr. Chairman, the phrase on line 14 "and for purchase of real property for training centers:" and other legislation language which is foreign to an appropriation bill.

Mr. Chairman, I will say further that the point of order is not waived by House Resolution 1151 which, of course, was changed by unanimous consent on the House floor to include all points of order against appropriations carried in the bill which are not yet authorized by law are hereby waived.

Mr. Chairman, this is in specific violation of section 601 of the Economic Opportunity Act of 1964, which is contained in the bill, page 38, line 13, which act, according to 42 United States Code, referring specifically to section 602, section 2914 in no place allows for acquisition of land, although it does provide for construction repairs and capital improvements.

For all of these considerations, it is my firm belief that the remainder of this section of the bill under consideration should be stricken, and that the point of order should stand. . . .

The Chairman: As the Chair understands it, the gentleman from Missouri (Mr. Hall), has made his point of order against all language from and including lines 1 to 25 on page 38. Unless the chairman of the committee can cite authorization language, particularly for the language "and for the purchase of real property for training centers" which the gentleman from Missouri has specified, the Chair is ready to rule. . . .

Mr. Perkins: Mr. Chairman, if I understand the point of order raised by the gentleman from Missouri, the gentleman moved to strike the language on page 38 from what line through what line?

Mr. Hall: The Chair has just repeated it. Line 1, including the title and the heading, down through the colon following the word "grant."

Mr. Perkins: Mr. Chairman, if I may be heard further, lines 1 through 5 including the amount authorized and appropriated, $2,046,200,000, follows the language in the authorization bill. We do have some new language commencing on lines 14 through 15 that is not in the authorization bill presently, but this is the language that has been carried on previous appropriation bills. The language that I specifically refer to that is not in the authorization bill is on line 14 after "1964," commencing with "and for purchase of real property for training centers."

Now, this language is not in the authorization bill.

The language commencing on line 18 and the rest of the paragraph down to line 21 is language on an appropriation bill, in my judgment, because there is nothing in the authorization bill. But we certainly do not want the amount that is appropriated for the economic opportunity act stricken from this bill. It is in strict compliance with the authorization amendment.

The Chairman: The Chair is ready to rule.

There are ample precedents for ruling a complete paragraph out of order, if any part of that paragraph is out of order. The gentleman from Kentucky has conceded that part of it is not in order, and therefore the Chair sustains the point of order made by the gentleman from Missouri (Mr. Hall). . . .

The Clerk read as follows:

> Amendment offered by Mr. Michel: on page 38, line 1, insert the following:
>
> Office of Economic Opportunity
>
> ECONOMIC OPPORTUNITY PROGRAM
>
> For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88–452, approved August 20, 1964), as amended, $2,046,200,000, plus reimbursements: *Provided*, That this appropriation shall be available for transfers to the economic opportunity loan fund for loans under title III, and amounts so transferred shall remain available until expended: . . . *Provided further*, That this appropriation shall not be available for contracts under titles I, II, V, VI, and VIII extending for more than twenty-four months: *Provided further*, That no part of the funds appropriated in this paragraph shall be available for any grant until the

> Director has determined that the grantee is qualified to administer the funds and programs involved in the proposed grant: *Provided further,* That all grant agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant.

Mr. Michel (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

Mr. Perkins: Well, let us see what you have in there first.

Mr. Michel: If the gentleman will withhold for a moment, I can explain it very simply.

All that I have done in my amendment is to strike out the words beginning on page 38, line 14, "and for purchase of real property for training centers:" and left the balance of the page precisely as it is, except down on line 25, after the word "grant" there will be a period, and the last part of that sentence will be stricken. . . .

Mr. Hall: Mr. Chairman, I make a point of order against the amendment.

The Chairman: The gentleman will state the point of order.

Mr. Hall: Mr. Chairman, the point of order against the amendment is that all of the language to which the amendment addresses itself on page 38 of the bill, H.R. 18515, has been stricken.

Mr. Chairman, there is no way that we can amend something that is not before the House.

The Chairman: The gentleman from Illinois (Mr. Michel) has offered a separate amendment to insert a new paragraph, and the amendment is in order.

The gentleman from Illinois (Mr. Michel) is recognized for 5 minutes in support of his amendment.

Mr. Michel: Mr. Chairman, as I understood the colloquy of the gentleman from Missouri when he was making his point of order, he had specific reference to lines 14 and 15, which I deleted in my amendment.

Now over and above that, the last sentence on line 25, page 38, "*Provided further,* That those provisions," inasmuch as that was the language which he cited as being subject to a point of order, I of course, offered the amendment deleting that objectionable phrase and I submit that the balance of the page is what has traditionally been carried in the OEO appropriation bill. . . .

The Chairman: Does any Member wish to be heard in opposition to the amendment? If not, the Chair will put the question.

The question is on the amendment offered by the gentleman from Illinois (Mr. Michel).

The question was taken; and on a division (demanded by Mr. Hall) there were—ayes 99, noes 31.

So the amendment was agreed to.

The Chairman: For what purpose does the gentleman from Texas rise?

Mr. Mahon: Mr. Chairman, I have an amendment at the desk. . . .

Mr. [James G.] O'Hara [of Michigan]: Mr. Chairman, a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. O'Hara: As I understand the situation, all the language on page 38 and the first three lines on page 39 were stricken under a point of order.

The Chairman: The gentleman is correct.

Mr. O'Hara: At that point, following that ruling of the Chair, the gentleman from Illinois [Mr. Michel] offered an amendment to the bill which restored a good part of that language.

Is it not correct, Mr. Chairman, that if anyone wanted to amend the language of the Michel amendment, he should have offered his amendment while the Michel amendment was pending?

The Chairman: The gentleman is correct. . . .

The Clerk read as follows:

> Amendment offered by Mr. [George H.] Mahon [of Texas]: After the colon on page 38, line 25, insert the following:
>
> "*Provided further,* That of the sums appropriated under this Act not more than $33 million shall be spent for the purpose of carrying out programs under section 222(a)(5), not more than $4,000,000 shall be spent for the purpose of carrying out programs under section 222(a)(8), not more than $3,000,000 shall be spent for the purpose of carrying out programs under Sec. 222(a)(9), and not more than $5,000,000 shall be spent for the purpose of carrying out programs under part A of title III."

Mr. O'Hara: Mr. Chairman, I make the point of order that the amendment comes too late. It should properly have been an amendment to the amendment offered by the gentleman from Illinois, Mr. Michel. It now comes too late. . . .

Mr. Michel: Mr. Chairman, I would like to be heard on the point of order. It would seem to me, if I understand the language of the gentleman from Texas, it is a new paragraph. It would not come under but would follow the text of my amendment which I offered.

The Chairman: The Chair does not understand it in that light. The amendment offered by the gentleman from Texas is a continuation of and is an addition to the amendment just agreed to and is in the form of a proviso and is not in the form of a paragraph or new section to the bill.

Mr. Mahon: Mr. Chairman, I ask unanimous consent that I may modify the amendment. I ask that it be an amendment which shall be inserted at the beginning of page 39, as a separate paragraph.

The Chairman: Is there objection to the request of the gentleman from Texas?

Mr. O'Hara: Mr. Chairman, I object.

The Chairman: Objection is heard.

The Chair must rule the amendment offered by the gentleman from Texas is out of order.

Amendment of Line-Item Amounts Where Total Authorization Has Been Amended

§ 33.12 Where a bill carries a total authorization, comprised of individual projects with line-item amounts, such line-items are subject to amendment notwithstanding the fact that a perfecting amendment to the total authorization precludes further amendment of the total sum.

The proceedings of June 28, 1967, during consideration of H.R. 10340 authorizing appropriations for the National Aeronautics and Space Administration, are discussed in § 33.2, supra.

Amendment Providing Funds "in Addition to" Amount Which Has Been Agreed To

§ 33.13 When an amendment changing an amount of money in a bill has been agreed to, an amendment proposing a further change in the amount is not in order. But where a figure in an appropriation bill has been agreed to, an amendment inserted following the figure agreed upon and providing funds "in addition thereto" is in order.

On June 5, 1959,(13) the following proceedings took place:

The Clerk read as follows:

> Amendment offered by Mr. [Fred] Wampler [of Indiana]: On page 4, line 7, after the word "expended" strike out "$658,300,100" and insert in lieu thereof "$658,352,100.". . .

MR. [BEN F.] JENSEN [of Iowa]: Has not this figure which the gentleman seeks to amend already been amended?

THE CHAIRMAN:(14) The gentleman is correct. . . .

MR. JENSEN: Mr. Chairman, I make the point of order, then, that the amendment is out of order.

THE CHAIRMAN: The point of order is sustained.

Subsequent proceedings were as follows:(15)

MR. WAMPLER: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Wampler: On page 21, line 7, after the amount shown add the following: "And in addition $52,000 for the following projects: Sugar Creek, West Terre Haute, Clinton, and Conover Levee."

MR. [JOHN] TABER [of New York]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. TABER: Mr. Chairman, I make the point of order that the language has been once amended.

THE CHAIRMAN: The gentleman from New York must have misunderstood the reading of the amendment, because it follows the amount and does not alter the amount.

The gentleman from Indiana is recognized for 5 minutes in support of his amendment.

Rejection of Amendment To Strike Figure in Appropriation Bill

§ 33.14 If an amendment seeking to strike out a figure in an appropriation bill has been rejected, it remains in order to offer an amendment to change such figure.(16)

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(13) 105 CONG. REC. 10055, 86th Cong. 1st Sess. Under consideration was H.R. 7509.

(14) Hale Boggs (La.).

(15) 105 CONG. REC. 10057, 86th Cong. 1st Sess.

(16) See § 35.20, infra.

Amendment Changing Figures: Similarity to Amendment Previously Rejected

§ 33.15 The change of two figures in an amendment already considered and rejected was held sufficient to permit the consideration of that amendment.

On Sept. 23, 1975,(17) during consideration of a bill(18) in the Committee of the Whole, the Chair overruled a point of order against an amendment as described above. The proceedings were as follows:

> Amendment offered by Mr. Dodd: Page 230, after line 12, insert the following:
>
> (f) (1) The Secretary shall, by rule, prohibit the granting of any right to develop crude oil, natural gas, coal, or oil shale on Federal lands to any person if more than one major oil company, more than one affiliate of a major oil company, or a major oil company and any affiliate of a major oil company, has or have a significant ownership interest in such person. The rules required to be promulgated pursuant to this paragraph shall apply to the granting of any such right which occurs after the 60-day period which begins on the date of enactment of this Act.
>
> (2) For purposes of this subsection—
>
> (A) The term "major oil company" means any person who, together with any affiliate of such person, produces 1.6 million barrels of crude oil, natural gas liquids, and natural gas equivalents per day. . . .
>
> (C) The term "significant ownership interest" means—
>
> (i) with respect to any corporation, 10 percent or more in value of the outstanding stock or the capital assets of such corporation.
>
> (ii) with respect to a partnership, 10 percent or more interest in the profits or capital of such partnership. . . .
>
> Sec. 1201. (a) The Secretary of Interior shall, by rule, prohibit the granting of any right to develop crude oil, natural gas, coal, or oil shale on Federal lands to any person if more than one major oil company, more than one affiliate of a major oil company, or a major oil company and any affiliate of a major oil company, has or have a significant ownership interest in such person. The rules required to be promulgated pursuant to this subsection shall apply to the granting of any such right which occurs after the 60-day period which begins on the date of enactment of this act.
>
> (b) For purposes of this subsection—
>
> (1) The term "major oil company" means any person who, together with any affiliate of such person, produces 1.65 million barrels of crude oil, natural gas liquids, and natural gas equivalents per day. . . .
>
> (3) The term "significant ownership interest" means—
>
> (A) with respect to any corporation, 20 percent or more in value of the outstanding stock or the capital assets of such corporation,

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[17] 121 Cong. Rec. 29839, 29841, 94th Cong. 1st Sess.

[18] H.R. 7014, Energy Conservation and Oil Policy Act of 1975.

(B) with respect to a partnership, 20 percent or more interest in the profits or capital of such partnership. . . .

Mr. [Louis] Frey [Jr., of Florida]: . . . I would like to speak on my point of order. On page 9 of Cannon's procedures it states as follows:

> Previously rejected.
>
> Mere change of figures not sufficient to admit.

It is my understanding that this amendment was rejected by the House on July 31 and the only change in this amendment, if I am correct, between that date and today is the figure of 1.65 million barrels of crude oil and 1.6 million barrels of crude oil. I think that is not a substantial change. I think that comes within the rules stated on page 9 of Cannon's procedures. . . .

Mr. [Christopher J.] Dodd [of Connecticut]: Mr. Chairman, in addition to the change in the production figures there is also a change in the definition of a significant ownership in this, the change from 10 percent to 20 percent. I would submit, Mr. Chairman, that these are significant changes in that the actual production that would be involved means that we are talking about 500,000 barrels of oil a day, and that is significant.

Also, I would point to similar cases which have raised this point. I am referring to Deschler's procedure, section 33, referring to amendments previously considered and rejected, and there are numerous cases that are referred to which involve the very point of order raised by the gentleman from Florida, and I would quote from one particular one:

> Mere similarity of an amendment to one previously considered and rejected is not sufficient to warrant the Chair ruling it out of order; if different in form it is admitted.

I repeat that this is a substantial change in the figures; it is different in form, and therefore is in order.

The Chairman:[19] The Chair is ready to rule.

There are numerous precedents that affect this matter, and the Chair will cite them, section 2840, volume 8 of Cannon's precedents, and other precedents following section 2840, that the Chair might state but will not do so in order not to prolong the matter.

The Chair feels that the changes are sufficient to be completely in line with section 2840, page 438, volume 8 of Cannon's precedents:

> Similarity of an amendment to one previously rejected will not render it inadmissible if sufficiently different in form to present another proposition.

The Chair feels the various changes make this another proposition and therefore overrules the point of order.

Rejection of Amendment Considered En Bloc With Other Amendments

§ 33.16 Where an amendment to a figure in a bill considered en bloc with other amendments has been rejected, no point of order lies against a subsequent amendment to that figure containing a different amount and

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19. Richard Bolling (Mo.).

offered as a separate amendment.

On Aug. 7, 1978,(20) the Committee of the Whole having under consideration H.R. 13635 (the Defense Department appropriation), the above-stated proposition was illustrated as indicated below:

MR. DICKINSON: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Dickinson: On page 6, line 4, strike "$9,097,422,000" and insert in lieu thereof "$9,115,421,000".

MR. [GEORGE H.] MAHON [of Texas]: Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Alabama (Mr. Dickinson).

First, Mr. Chairman, I would ask whether this is the same amendment that has been offered before or if this is a part of that amendment?

MR. DICKINSON: Mr. Chairman, if the gentleman will yield, I would respond by saying that this is similar to the one that was offered before but it is in fact different. I am offering it for the purpose of obtaining a recorded vote. I am going to attempt to obtain a recorded vote until I get one. But this amendment is different to that offered before.

MR. MAHON: Mr. Chairman, I make a point of order against the amendment. . . .

THE CHAIRMAN:(1) The Chair recognizes the gentleman from Florida (Mr. Sikes) on the point of order.

MR. [ROBERT L. F.] SIKES [of Florida]: Mr. Chairman, as I understand it, there is a $1,000 change in the amount in the amendment which is offered now.

This is dilatory. It is consuming the time of the House while we have many important things still to be considered.

Mr. Chairman, I would trust that the amendment would be considered out of order.

THE CHAIRMAN: The Chair will make the observation that this particular amendment has not been offered before. The figure is a substantial change from a previously considered amendment, and the Chair does not consider the amendment to be dilatory.

The Chair recognizes the gentleman from Alabama (Mr. Dickinson) for 5 minutes in support of his amendment. . . .

MR. SIKES: Mr. Chairman, if I may make a further parliamentary inquiry, do I not understand that this amendment is essentially the same as the ones offered en bloc and previously disposed of on the floor?

THE CHAIRMAN: The Chair will state that this amendment is offered separately and contains a different figure.

MR. SIKES: A $1,000 difference, Mr. Chairman.

THE CHAIRMAN: It is a different figure. The Chair has already made that observation.

MR. SIKES: Mr. Chairman, it is a dilatory amendment which, I think, is

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20. 124 CONG. REC. 24701, 24702, 95th Cong. 2d Sess.

1. Dan Rostenkowski (Ill.).

taking the time of the House unnecessarily.

The Chairman: The Chair has already ruled.

§ 34. Effecting Changes by Unanimous Consent

By unanimous consent, an amendment which has been agreed to may be subsequently amended. Moreover, where an amendment has been adopted in Committee of the Whole and, by unanimous consent, a Member is then permitted to offer an amendment thereto which is adopted, the Chair does not put the question on the amendment as amended, since proceedings where the original amendment has been agreed to have not been vacated and the original amendment has become part of the text of the bill.(2) In some situations, on the other hand, the proceedings whereby an amendment has been adopted have been vacated, and in such cases the amendment has been amended and then adopted as amended.(3)

Generally

§ 34.1 By unanimous consent, it is in order to amend an amendment which has already been agreed to.

An illustration of a unanimous-consent request as described above can be found in the proceedings of Sept. 17, 1970,(4) during consideration of H.R. 17654, the Legislative Reorganization Act of 1970:

Mr. [H. Allen] Smith of California: . . . I ask unanimous consent to return to page 39 of H.R. 17654, immediately below line 4, for the purpose of offering a perfecting amendment to the amendment offered by Mr. White which was adopted in this committee. . . .

There was no objection.

Mr. Smith of California: Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Texas (Mr. White).

The Clerk read as follows:

> Amendment offered by Mr. Smith of California to the amendment offered by Mr. White: In paragraph (b) of clause 2 of rule XV of the rules of the House as contained in the amendment offered by Mr. White to page 39, immediately below line 4, insert "which is privileged and shall be decided without debate," immediately after the words "a motion".

Mr. Smith of California: Mr. Chairman, I request that the matter come to a vote.

The Chairman:(5) The question is on the amendment offered by the gentle-

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2. See § 34.1, infra.
3. See § 34.2, infra.
4. 116 Cong. Rec. 32303, 32304, 91st Cong. 2d Sess.
5. William H. Natcher (Ky.).

man from California (Mr. Smith) to the amendment offered by the gentleman from Texas (Mr. White).

The amendment to the amendment was agreed to.

The Chairman: The Clerk will read.

Vacating Proceedings

§ 34.2 The Committee of the Whole, by unanimous consent, vacated the proceedings whereby it had agreed to an amendment, and then agreed to an amendment to the amendment and adopted the original amendment as amended.

On Nov. 30, 1970,(6) the following proceedings took place:

> Mr. [Robert C.] Eckhardt [of Texas]: Mr. Chairman, I ask unanimous consent that the amendment placed in the bill by the gentleman from Washington (Mr. Hicks) in section (j)(1) be permitted to be open for amendment at this time. . . .
>
> There was no objection.
>
> The Chairman:(7) The action by which the amendment of the gentleman from Washington was agreed to is vacated and the amendment is open for amendment. . . .
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Eckhardt to the amendment offered by Mr. Hicks: . . .
>
> The amendment to the amendment was agreed to. . . .
>
> The amendment, as amended, was agreed to.

§ 34.3 The Committee of the Whole, by unanimous consent, vacated the proceedings whereby it had agreed to an amendment and then adopted the amendment in a revised form.

On Aug. 8, 1966,(8) the following proceedings took place:

> Mr. [Richard H.] Poff [of Virginia]: . . . Earlier in the debate today the Committee of the Whole adopted an amendment offered by the gentleman from North Carolina which added to title V a new section, section 504. Apparently by some inadvertence the language of the amendment was not as intended. . . .
>
> [The] unanimous-consent request, Mr. Chairman, is that the Committee of the Whole House on the State of the Union vacate the proceedings whereby the Committee earlier adopted the amendment offered by the gentleman from North Carolina [Mr. Whitener], and in lieu thereof adopt in place of that amendment the following amendment:
>
> > Sec. 504. Nothing contained in this title shall be construed as indicating an intent on the part of Congress. . . .
>
> The Chairman:(9) Is there objection to the request of the gentleman from Virginia?

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(6) 116 Cong. Rec. 39086, 39087, 91st Cong. 2d Sess. Under consideration was H.R. 16443.

(7) James A. Burke (Mass.).

(8) 112 Cong. Rec. 18482, 89th Cong. 2d Sess. Under consideration was H.R. 14765.

(9) Richard Bolling (Mo.).

There was no objection.

The Chairman: The question is on the amendment as now restated by the gentleman from Virginia.

The amendment was agreed to.

§ 34.4 Where the Member in charge of a bill in the Committee of the Whole had inadvertently stated he had no objection to a pending amendment, as a result of which the amendment was adopted, proceedings whereby such amendment was adopted were by unanimous consent vacated on request of the sponsor of the amendment.

On Mar. 12, 1945,(10) the following proceedings took place:

> Amendment offered by Mr. [Jesse P.] Wolcott [of Michigan]: On page 1, lines 5 and 6, after the word "thereof" in line 5, strike out the sign and figure "$5,000,000,000" and insert in lieu thereof the sign and figure "$4,000,000,000."
>
> Mr. [Brent] Spence [of Kentucky]: . . . I think [the amendment] should be adopted. I am sure there will be no objection to it. . . .
>
> The amendment was agreed to. . . .
>
> Mr. Spence: Mr. Chairman, I misunderstood the amendment offered by the gentleman from Michigan. I had no right to agree to that amendment. . . .
>
> . . . I ask the committee, under the circumstances, to reconsider its action.
>
> Mr. Wolcott: There will be no objection on my part.

Objection was made, however; after further proceedings, Mr. Wolcott made the following statement:

> Mr. Chairman, I now renew my unanimous-consent request that the proceedings by which the amount in this bill was reduced from $5,000,000,000 to $4,000,000,000 be vacated. . . .
>
> There was no objection.

§ 34.5 Pursuant to a unanimous-consent request, the House vacated its action in agreeing to a concurrent resolution with an amendment, and agreed to the resolution without amendment.

On June 22, 1965,(11) the following proceedings took place:

> Mr. [Dante B.] Fascell [of Florida]: Mr. Speaker, before the House passed Senate Concurrent Resolution 36, it was amended to correct a typographical error that appeared in the reported version of the resolution.
>
> Upon further investigation, I find that the engrossed copy of the Senate concurrent resolution is correct and that no amendment was necessary.
>
> Therefore, Mr. Speaker, I ask unanimous consent that the proceedings whereby Senate Concurrent Resolution 36 was amended and agreed to be va-

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10. 91 Cong. Rec. 2042, 2043, 79th Cong. 1st Sess. Under consideration was H.R. 2023, to continue the Commodity Credit Corporation.

11. 111 Cong. Rec. 14425, 89th Cong. 1st Sess. Under consideration was S. Con. Res. 36.

cated and that it be considered as agreed to without amendment.

The Speaker:(12) Without objection, it is so ordered.

There was no objection. . . .

A motion to reconsider was laid on the table.

—Vacating Proceedings by Which Bill Passed as Amended

§ 34.6 On one occasion, after the Committee of the Whole and the House by separate vote had agreed to an amendment, a portion of which had been inadvertently omitted therefrom and had not been read by the Clerk or agreed to, and the House passed the bill as amended, the House subsequently by unanimous consent agreed to vacate the proceedings by which the bill in question had been passed, then agreed to the entire amendment as intended to be offered and passed the bill as thus amended.

On Feb. 12, 1951, in the circumstances described above, the following unanimous-consent request was made:(13)

Mr. [Wilbur D.] Mills [of Arkansas]: . . . I feel that in all fairness to the gentleman from West Virginia [Mr. Bailey] a correction should be made in the proceedings of the House, and I now ask unanimous consent that the proceedings whereby the bill H.R. 1612 was passed be vacated and that the language of the amendment I have just read be agreed to in toto as an amendment to the bill at the point it was intended, section 7 of the bill. . . .

There was no objection.

The Speaker:(14) Without objection the proceedings whereby the House on February 7, 1951, ordered the bill H.R. 1612 engrossed, read a third time, and passed will be vacated. The amendment as read by the gentleman from Arkansas [Mr. Mills] is agreed to and the bill will be considered as engrossed, read a third time and passed, and a motion to reconsider laid on the table.

Unanimous Consent That Subsequent Amendment Not Be Precluded by Adoption of Amendments Changing Figures

§ 34.7 By unanimous consent, the Committee of the Whole permitted two Members to offer amendments to change a figure in an appropriation bill which, if adopted would not preclude the offering of subsequent amendments to that amended text.

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(12) John W. McCormack (Mass.).

(13) 97 Cong. Rec. 1233, 1234, 82d Cong. 1st Sess. Under consideration was H.R. 1612, to extend the authority of the President to enter into trade agreements under section 350 of the Tariff Act of 1930.

(14) Sam Rayburn (Tex.).

On July 22, 1981,[15] during consideration of H.R. 4035[16] in the Committee of the Whole, the situation described above occurred as follows:

> MR. [JOSEPH M.] MCDADE [of Pennsylvania]: Mr. Chairman, I move to strike the last word, and I will make a unanimous-consent request.
>
> I ask unanimous consent, Mr. Chairman, that an amendment which I will offer to the bill at page 37, line 8, if successful in changing the numbers thereto, will not preclude a further amendment to further change those numbers. . . .
>
> MR. [RICHARD L.] OTTINGER [of New York]: Mr. Chairman, reserving the right to object, I would just like assurance from the Chair that the gentleman's unanimous-consent request will in fact achieve the result that he seeks, and that is to say that further amendments and amendments to those amendments would then be in order.
>
> THE CHAIRMAN:[17] If the McDade amendment is adopted, another amendment would be in order, but only relating to those particular figures.
>
> MR. OTTINGER: And amendments to that amendment or substitutes for that amendment?
>
> THE CHAIRMAN: To that amendment, yes. . . .
>
> Is there objection to the request of the gentleman from Pennsylvania (Mr. McDade)?
>
> There was no objection.
>
> MR. MCDADE: Mr. Chairman, I offer an amendment.
>
> The portion of the bill to which the amendment relates is as follows:
>
>> For necessary expenses in carrying out energy conservation activities, $272,890,000 and $99,608,000 to be derived from "Fossil Energy Construction". . . .
>>
>> Amendment offered by Mr. McDade: On page 37, line 8, strike "$272,890,000 and $99,608,000" and insert in lieu thereof "$203,890,000 and $168,608,000". . . .
>
> The amendment was agreed to.
>
> MR. [VIN] WEBER [of Minnesota]: Mr. Chairman, I offer an amendment.
>
> The clerk read as follows:
>
>> Amendment offered by Mr. Weber of Minnesota: Page 37, line 8, strike out "$203,890,000 and $168,608,000" and insert in lieu thereof "$68,890,000 and $303,608,000". . . .
>
> MR. OTTINGER: Mr. Chairman, therefore, Mr. Chairman, I would at this point ask unanimous consent that should the amendment offered by the gentleman from Minnesota (Mr. Weber) succeed, I would still be allowed to offer my amendment as a separate amendment.

§ 35. Effect of Consideration or Rejection

It is not in order to offer an amendment identical to one previously rejected.[18] On the other hand, while it is not in order to submit for consideration, by way of amendment, a proposition previously passed upon, an amendment that raises the same question by the use of different language may be admissible.(19) The general rule is that mere similarity of an amendment to one previously considered is not sufficient to preclude the amendment; if different in form, the amendment is permitted.(20) For example, a substitute amendment having been rejected, a proposition contained therein may nevertheless be offered as an amendment to an amendment in the nature of a substitute.(1)

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[15] 127 CONG. REC. 16777, 16782, 16783, 16788, 97th Cong. 1st Sess.

[16] Department of Interior appropriations.

[17] George E. Danielson (Calif.).

[18] See § 35.1, infra.

To a motion to strike certain words and insert others, a simple motion to strike out the words may not be offered as a substitute; but if the motion to strike out and insert is rejected, the simple motion to strike out is in order.(2) Thus, a motion to strike out a title contained in a bill has been held to be in order notwithstanding the fact that the Committee of the Whole had previously considered two motions to strike out such title and insert other language.(3) On the other hand, while a perfecting amendment has precedence over an amendment to strike out, the rejection of the motion to strike does not preclude perfecting amendments.(4) Thus, defeat of a motion to strike out a paragraph does not preclude amendments nor motions to strike out and insert.(5)

Identical Amendment

§ 35.1 It is not in order to offer an amendment identical to one previously rejected.

On Feb. 10, 1964,(6) the Committee of the Whole had under consideration H.R. 7152, the Civil Rights Act of 1963. Mr. Richard H. Poff, of Virginia, offered an amendment to a particular line, seeking to strike certain words. The amendment was rejected. Subsequently, Mr. John V. Dowdy, of Texas, offered an amendment to the same line, seeking to strike the same words.

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(19) See, for example, 92 Cong. Rec. 1003, 1004, 79th Cong. 2d Sess., Feb. 6, 1946.

(20) See § 35.11, infra, and see 101 Cong. Rec. 10021, 84th Cong. 1st Sess., July 6, 1955.

(1) See § 18.23, supra.

(2) See § 17.16, supra.

(3) See § 35.24, infra.

(4) See § 15.27, supra.

(5) See § 16.12, supra.

(6) The proceedings described here are found at 110 Cong. Rec. 2727, 88th Cong. 2d Sess.

Mr. Emanuel Celler, of New York, made a point of order against the Dowdy amendment, on the basis that the same amendment had been offered by Mr. Poff and had been rejected. The Chairman(7) sustained the point of order.

—Floor Amendment Identical to Rejected Committee Amendment

§ 35.2 An amendment once rejected cannot be re-offered in identical form; thus, where there was pending a committee amendment adding a new section at the end of a bill, the Chair indicated that rejection of the amendment would preclude the reoffering of the identical amendment from the floor.

On Feb. 12, 1980,(8) during consideration of H.R. 3995(9) in the Committee of the Whole, the situation described above occurred as follows:

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, in the event that the committee amendment is not agreed to, would it then be in order for the gentleman from Georgia or any other Member to offer the same amendment at some other point in these proceedings?

THE CHAIRMAN:(10) The identical amendment could not again be offered.

MR. LEVITAS: The only opportunity we would then have to vote, if this legislative veto amendment is in the bill, is at this point?

THE CHAIRMAN: On the Public Works Committee amendment, that is correct.

Amendment Not Identical to Rejected Amendment

§ 35.3 Mere similarity of an amendment to one previously considered and rejected is not sufficient to prevent its consideration if a substantive change has been made.

On Feb. 23, 1978,(11) the Chairman of the Committee of the Whole overruled a point of order against an amendment that was offered during the consideration of H.R. 9179, the Overseas Private Investment Corporation Amendments of 1977. The proceedings were as indicated below:

MR. [PHILIP M.] CRANE [of Illinois]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Crane: On page 8, add the following new subsection:
>
> (m) Section 237 of such Act, as amended by subsection (h) of this section, is further amended by

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7. Eugene J. Keogh (N.Y.).
8. 126 CONG. REC. 2662, 96th Cong. 2d Sess.
9. The Noise Control Act Authorization.
10. Joseph L. Fisher (Va.).
11. 124 CONG. REC. 4470, 95th Cong. 2d Sess.

> adding at the end thereof the following new subsection:
>
> "(n) The Corporation shall not make any loan to, or guarantee or insure the obligations of, the National Finance Corporation of Panama unless the House of Representatives adopts a resolution approving such loan, guaranty, or insurance.".

MR. [JONATHAN B.] BINGHAM [of New York]: Mr. Chairman, a point of order.

THE CHAIRMAN:(12) The gentleman will state it.

MR. BINGHAM: Mr. Chairman, I make a point of order that this amendment is virtually the same as the amendment that was dealt with when this bill, H.R. 7179, was previously before the House and was defeated by a rollcall vote. Accordingly, the gentleman does not have the right to re-offer it.

THE CHAIRMAN: Does the gentleman from Illinois care to be heard on the point of order?

MR. CRANE: I do, Mr. Chairman.

I yield to the gentleman from Maryland.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, the amendment that was offered by the gentleman from Illinois (Mr. Crane) on November 2, 1977, and which was narrowly defeated by a 14-vote margin in the House provided that these loan guarantees not take place to the National Finance Corporation of Panama unless both Houses of the Congress approved.

This is a substantial change in that amendment that requires only a one-House approval, that of the House of Representatives. It is not the same amendment.

THE CHAIRMAN: The Chair is ready to rule.

The amendment which was previously offered and defeated provided, as the gentleman from Maryland has stated, "unless the Congress" adopts a concurrent resolution.

The amendment offered by the gentleman from Illinois provides:

> unless the House of Representatives adopts a resolution.

This is a significant difference in the amendment and, therefore, the point of order is overruled.

§ 35.4 An amendment previously rejected may not be offered a second time, but an amendment similar but not identical thereto may be considered.

On July 19, 1967,(13) the following proceedings took place:

The Clerk read as follows:

> Amendment offered by Mr. [Charles S.] Joelson [of New Jersey] as a substitute for the amendment offered by Mr. Holifield: On page 4, after line 19, insert the following:
>
> "(d) nothing contained in this chapter shall be construed as making illegal any travel in interstate commerce or the use of any facility in interstate or foreign commerce, including the mail, for the purpose of orderly dissent or protest,

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12. Frank E. Evans (Colo.).

13. 113 CONG. REC. 19417, 19418, 90th Cong. 1st Sess. Under consideration was H.R. 421. See also 119 CONG. REC. 41688, 93d Cong. 1st Sess., Dec. 14, 1973. And see 94 CONG. REC. 181, 80th Cong. 2d Sess., Jan. 14, 1948.

> or for the objectives of organized labor, including the organizing of workers or the urging of or conduct of a strike in a bona fide labor dispute."

[The substitute was rejected. The amendment was rejected.]

The Clerk read as follows:[14]

> Amendment offered by Mr. Joelson: On page 4, after line 19, insert: "Nothing contained in this chapter shall be construed as making illegal any travel in interstate commerce or the use of any facility in interstate or foreign commerce, including the mail, for the purpose of orderly and peaceful dissent or protest or for pursuing the objectives of organized labor, provided they are pursued through orderly and legal means."

Mr. [William M.] McCulloch [of Ohio]: Mr. Chairman, a point of order. . . . I make the point of order that this amendment in substance was offered in Committee of the Whole and was rejected. . . .

The Chairman:[15] The Chair will state to the gentleman that the amendment offered by the gentleman from New Jersey is not identical to the amendment referred to by the gentleman from Ohio [Mr. McCulloch].

§ 35.5 Similarity of an amendment to one previously rejected will not render it inadmissible if, in addition, it treats of matters not made the subject of the prior amendment.

On Apr. 24, 1952,[16] the following proceedings took place:

> Amendment offered by Mr. [Franklin D.] Roosevelt [Jr., of New York]: . . . [I]nsert new section 204, reading as follows:
>
> All quota immigration visas available during any fiscal year which are not actually issued during such fiscal year, and all quota immigration visas which were issued in a previous year and expired during such fiscal year without being utilized, shall be assigned to a general immigration visa pool and shall be available, without reference to national origins, for issuance at any time during the fiscal year following such assignment as follows:
>
> (a) Family reunion preferences: twenty-five percent of such pooled visas . . . shall be available exclusively, in such order as may be determined by the Secretary of State, to adult children, brothers, and sisters, and other relatives of citizens, and to spouses, children (both infant and adult), parents, brothers, and sisters, and other relatives of alien residents of the United States who have been lawfully admitted to the United States for permanent residence. . . .

Mr. [Francis E.] Walter [of Pennsylvania]: Mr. Chairman, I make a point of order against the amendment offered by the gentleman from New York on the ground that it is similar to an amendment rejected on yesterday. . . .

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[14] 113 Cong. Rec. 19423, 90th Cong. 1st Sess.

[15] Joseph L. Evins (Tenn.).

[16] 98 Cong. Rec. 4413, 82d Cong. 2d Sess. Under consideration was H.R. 5678, a revision of the laws relating to immigration, naturalization, and nationality.

The Chairman:(17) Does the gentleman from New York desire to be heard on the point of order?

Mr. Roosevelt: Yes, I do, Mr. Chairman.

While this does deal with unused quotas, as did the amendment offered by the gentleman from New York [Mr. Celler] yesterday—and I should like to read the Celler amendment:

> Section 201 (a), change period at the end of subsection to colon and add the following: "*Provided further,* That the unused portion of the sum total of all quotas for each fiscal year shall be made available in the following fiscal year in direct proportion to the quotas for each quota area affected, to immigrants specified in paragraph (4) of section 203(a) of this title if such immigrants are determined to be chargeable to quotas not exceeding 7,000 annually."

My amendment is entirely different. It does deal with the unused quotas in each fiscal year, but it sets up an entirely different method of allocating those unused quotas as distinguished from the Celler amendment. . . .

The Chairman: . . . The Chair has examined the two amendments with some degree of care and finds that the amendment offered by the gentleman from New York [Mr. Roosevelt] has language similar to the other amendment, but in addition it treats of other matters, and for that reason the Chair will rule that the amendment is in order.

§ 35.6 While it is not in order to offer an amendment identical with one previously rejected, an amendment which specifies conditions under which particular acts should be undertaken and contains substantially different propositions from an amendment previously rejected is in order.

On Mar. 31, 1948,(18) the following amendment was offered:

> The Clerk read as follows:
>
> Amendment offered by Mr. [Lawrence H.] Smith of Wisconsin: On page 82, line 6, strike out "1952" and insert "1949"; and in line 15, strike out the sentence after the period and substitute therefor the following: "Nothing in this act shall be construed as placing either a legal or a moral obligation upon any succeeding Congress to continue the present aid program beyond the 12 months herein provided for.". . .

After the rejection of this amendment, another was offered as follows:

> Amendment offered by Mr. [John] Phillips of California: ". . . No authorization in this bill shall be construed to imply any commitment, legal or moral, to advance further aid after June 30, 1949. Although the bill recites later dates, it is the sense of this Congress that such aid will be extended only if the recipient countries are doing all they can to aid themselves, and if such further aid is justified by the then economic and financial condition in the United States.". . .

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17. Chet Holifield (Calif.).

18. 94 Cong. Rec. 3828, 3832, 3833, 80th Cong. 2d Sess. Under consideration was S. 2202, the Foreign Assistance Act of 1948.

MR. [JOHN M.] VORYS [of Ohio]: As I understand, the amendment is substantially the amendment that has just been passed upon.

THE CHAIRMAN:(19) The Chair is prepared to rule. The amendment submitted goes much further and suggests other conditions, is stated differently, and involves substantially different propositions than the amendment heretofore voted upon.

The Chair overrules the point of order.

§ 35.7 The Chair will not rule out as dilatory an amendment similar but not identical to one previously rejected.

On Aug. 7, 1978,(20) during consideration of H.R. 13635, defense appropriations for fiscal 1979, the Chair ruled that, where an amendment to a figure in a bill considered en bloc with other amendments had been rejected, no point of order would lie against a subsequent amendment to that figure containing a different amount and offered as a separate amendment, even though it was contended that the change in the amount was not substantial. The amendment, objected to as dilatory, was offered by Mr. William L. Dickinson, of Alabama:

MR. DICKINSON: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Dickinson: On page 6, line 4, strike "$9,097,422,000" and insert in lieu thereof "$9,115,421,000".

MR. [GEORGE H.] MAHON [of Texas]: Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Alabama (Mr. Dickinson).

First, Mr. Chairman, I would ask whether this is the same amendment that has been offered before or if this is a part of that amendment?

MR. DICKINSON: Mr. Chairman, if the gentleman will yield, I would respond by saying that this is similar to the one that was offered before but it is in fact different. I am offering it for the purpose of obtaining a recorded vote. I am going to attempt to obtain a recorded vote until I get one. But this amendment is different to that offered before.

MR. MAHON: Mr. Chairman, I make a point of order against the amendment. . . .

THE CHAIRMAN:(1) The Chair recognizes the gentleman from Florida (Mr. Sikes) on the point of order.

MR. [ROBERT L. F.] SIKES [of Florida]: Mr. Chairman, as I understand it, there is a $1,000 change in the amount in the amendment which is offered now.

This is dilatory. It is consuming the time of the House while we have many important things still to be considered.

Mr. Chairman, I would trust that the amendment would be considered out of order.

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19. Francis H. Case (S.D.).

20. 124 CONG. REC. 24701, 24702, 95th Cong. 2d Sess.

1. Dan Rostenkowski (Ill.).

The Chairman: The Chair will make the observation that this particular amendment has not been offered before. The figure is a substantial change from a previously considered amendment, and the Chair does not consider the amendment to be dilatory.

The Chair recognizes the gentleman from Alabama (Mr. Dickinson) for 5 minutes in support of his amendment. . . .

Mr. Sikes: Mr. Chairman, if I may make a further parliamentary inquiry, do I not understand that this amendment is essentially the same as the ones offered en bloc and previously disposed of on the floor?

The Chairman: The Chair will state that this amendment is offered separately and contains a different figure.

Mr. Sikes: A $1,000 difference, Mr. Chairman.

The Chairman: It is a different figure. The Chair has already made that observation.

Mr. Sikes: Mr. Chairman, it is a dilatory amendment which, I think, is taking the time of the House unnecessarily.

The Chairman: The Chair has already ruled.

—Different in Form

§ 35.8 A motion offered as a substitute for an amendment and rejected may be offered again as a separate amendment.

On July 19, 1967,(2) the following proceedings took place:

The Chairman:(3) The question is on the substitute amendment offered by the gentleman from New Jersey [Mr. Joelson] to the amendment offered by the gentleman from California [Mr. Holifield].

The substitute amendment to the amendment was rejected.

The Chairman: The question is on the amendment offered by the gentleman from California [Mr. Holifield]. . . .

So the amendment was rejected. . . .

Amendment offered by Mr. [Charles S.] Joelson [of New Jersey]: On page 4, after line 19, insert: "Nothing contained in this chapter. . . . "

Mr. [William M.] McCulloch [of Ohio]: Mr. Chairman, I make the point of order that this amendment in substance was offered in Committee of the Whole and was rejected. . . .

The Chairman: The Chair will state to the gentleman that the amendment offered by the gentleman from New Jersey is not identical to the amendment referred to by the gentleman from Ohio [Mr. McCulloch].

§ 35.9 A proposition offered as an amendment to an amendment and rejected may be offered again, in identical form, as an amendment to the bill.

On Oct. 31, 1963,(4) a question was raised concerning the propri-

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2. 113 Cong. Rec. 19417, 19418, 19423, 90th Cong. 1st Sess. Under consideration was H.R. 421. The proceedings are discussed more fully in § 35.4, supra.

3. Joseph L. Evins (Tenn.).

4. 109 Cong. Rec. 20729, 20730, 88th Cong. 1st Sess. Under consideration was H.R. 8195 (Committee on Agriculture).

ety of an amendment that was identical to one that had previously been defeated.

Mr. [Harold D.] Cooley [of North Carolina]: Mr. Chairman, I make the point of order that the amendment is not germane. It is identical to the amendment which was offered earlier and which was just defeated.

The Chairman:(5) Does the gentleman from Tennessee desire to be heard?

Mr. [Ross] Bass [of Tennessee]: Mr. Chairman, I would like to say to the chairman of the Committee on Agriculture, the gentleman from North Carolina [Mr. Cooley] that it is an amendment which is offered to the main bill. The other amendment was offered to the substitute. Now it is offered to the main bill.

The Chairman: The Chair would like to inform the gentleman from North Carolina that this is an amendment now offered to the bill. . . .

Under the rules of the House the gentleman from Tennessee may now offer his amendment.

§ 35.10 A perfecting amendment offered to an amendment in the nature of a substitute may be offered again as an amendment to the original bill if the amendment is first rejected or if the amendment in the nature of a substitute as perfected is rejected.

On Sept. 28, 1976,(6) the Committee of the Whole having under consideration H.R. 15,(7) the Chair responded to several parliamentary inquiries as described above:

Mr. [George E.] Danielson [of California]: Mr. Chairman, as I understand it, we are at the present time considering amendments to the amendment in the nature of a substitute which was offered by the Committee on Standards of Official Conduct.

The Chairman:(8) That is correct. We are considering perfecting amendments to the amendment in the nature of a substitute offered by the gentleman from Florida on behalf of the Committee on Standards of Official Conduct.

Mr. Danielson: . . . Mr. Chairman, in the event the substitute should be defeated, would it be proper to offer the same amendments to the committee bill?

The Chairman: In substance, they would be in order. They might have to be redrafted, but essentially the same kind of amendments could be offered.

Mr. Danielson: But the defeat of an amendment to the substitute which we are now considering would not bar this same amendment, in substance?

The Chairman: That is correct.

§ 35.11 Mere similarity to a prior amendment is not sufficient to warrant rejection of an amend-

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(5) Eugene J. Keogh (N.Y.).

(6) 122 Cong. Rec. 33075, 94th Cong. 2d Sess.

(7) Public Disclosure of Lobbying Act of 1976.

(8) Richard Bolling (Mo.).

ment, and if different in form the proposition is not subject to the point of order that it has been previously passed upon.

On May 11, 1949,(9) the following proceedings took place:

> Amendment offered by Mr. [Stephen M.] Young [of Ohio]: On page 2, line 8, after the word "storage" insert the following: . . .
>
> Mr. [Brent] Spence [of Kentucky]: Mr. Chairman, I make the point of order that the amendment is substantially the same as that which was decided by the Committee.
>
> The Chairman:(10) The Chair wishes to inquire of the gentleman from Ohio if this is the same text as the amendment which he offered to the Sutton amendment. . . .
>
> Mr. Young: It is not the same language, Mr. Chairman. This is an amendment to the bill. My amendment to the amendment carried.
>
> The Chairman: The Chair overrules the point of order.

Similarly, on Mar. 18, 1960,(11) the following proceedings took place:

> The Clerk read as follows:
>
> Amendment offered by Mr. [Hamer H.] Budge [of Idaho] to the amendment offered by Mr. Celler as a substitute for the amendment offered by Mr. McCulloch: On page 6, line 9, after the word "office", insert "in any election in which any candidate for the office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico is voted upon". . . .
>
> So the amendment was rejected.

The proceedings continued on Mar. 21:(12)

> The Clerk read as follows:
>
> Amendment offered by Mr. [August E.] Johansen [of Michigan] to the substitute amendment offered by Mr. Celler: On page 6, line 10, after the word "election" insert "for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.". . .
>
> Mr. [Emanuel] Celler [of New York]: Mr. Chairman, I make the point of order that this amendment in substance has been voted on by this Committee and voted down last week; therefore, it is not in order. It is like an amendment we have voted on and voted down.

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9. 95 Cong. Rec. 6069, 81st Cong. 1st Sess. Under consideration was H.R. 2682, to amend the Commodity Credit Corporation Charter Act and the Strategic Materials Stock Piling Act.
10. Albert Gore (Tenn.).
11. 106 Cong. Rec. 6016, 6017, 6027, 86th Cong. 2d Sess. Under consideration was H.R. 8601. See also 113 Cong. Rec. 19418, 19423, 90th Cong. 1st Sess., July 19, 1967.
12. 106 Cong. Rec. 6159, 6160, 86th Cong. 2d Sess.

THE CHAIRMAN:(13) The Chair has had an opportunity to examine the amendment offered by the gentleman from Idaho [Mr. Budge], which was to page 6, line 9. This is on page 6, line 10. It is couched in entirely different language. The point of order is overruled.

§ 35.12 Similarity of an amendment to one previously rejected will not render it inadmissible if sufficiently different in form to present another proposition; an amendment striking a portion of text having been defeated, a subsequent amendment striking a lesser portion of the same text is in order.

On June 1, 1961,(14) the following proceedings took place:

The Clerk read as follows:

Amendment offered by Mr. [H. R.] Gross of Iowa: "On page 7, strike out all of lines 21 through 25 and on page 8, strike all of lines 1 through 3." . . .

The amendment was rejected. . . .

Amendment offered by Mr. [Clare E.] Hoffman of Michigan: "On page 8, lines 2 and 3, strike all after the semicolon."

MR. HOFFMAN of Michigan: Mr. Chairman, being a realist I understand——

MR. [JOHN J.] ROONEY [of New York]: Mr. Chairman, I make the point of order that the amendment now offered by the gentleman from Michigan is the same in effect as that which was offered by the gentleman from Iowa and just defeated.

MR. GROSS: Mr. Chairman, I make the point of order that the point of order comes too late. . . .

THE CHAIRMAN:(15) While the point of order does come too late, the amendment does strike out language different from that stricken out by the amendment offered by the gentleman from Iowa.

§ 35.13 An amendment previously rejected may not be offered a second time, but an amendment of different form although of similar effect is admissible.

On May 26, 1969,(16) an amendment proscribing the use of funds in an agriculture appropriations bill for purchase of "chemical pesticides" having been considered and rejected, a second amendment prohibiting funds for purchase of certain enumerated pesticides was held admissible as not repetitive of the proposition previously considered.

§ 35.14 Rejection of a substitute does not preclude further ad hoc offering of amendments to a pending amendment.

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13. Francis E. Walter (Pa.).
14. 107 CONG. REC. 9349, 9350, 87th Cong. 1st Sess.
15. W. Homer Thornberry (Tex.).
16. 115 CONG. REC. 13754, 91st Cong. 1st Sess. Under consideration was H.R. 11612.

On Sept. 29, 1965,(17) the following proceedings took place:

> Mr. [William H.] Harsha [Jr., of Ohio]: As I understand it, the Committee may now proceed to amend both the Multer amendment and the Sisk substitute to the amendment; is that correct?
>
> The Chairman:(18) That is correct. . . .
>
> Mr. Harsha: Then when the vote comes upon the Sisk substitute or amendment to the Multer amendment, assuming the Sisk substitute is voted down, may this Committee then continue to amend the Multer amendment?
>
> The Chairman: The Multer amendment, in the nature of a substitute, would at that time be open to further amendment.

§ 35.15 Rejection of several amendments considered en bloc by unanimous consent does not preclude their being offered separately at a subsequent time.

On June 7, 1973,(19) the following proceedings took place:

> The Clerk read as follows:
>
> Amendments offered by Mr. [Lawrence G.] Williams [of Pennsylvania]: . . .
>
> In page 11, line 19, following, "The Administrator is authorized to use" add: appropriated and
>
> On page 12, line 13 following, "otherwise available" add: appropriated or
>
> Mr. Williams: Mr. Chairman, I ask unanimous consent that the three amendments I am offering be considered en bloc. . . .
>
> [The amendments, considered en bloc, were rejected.]
>
> Amendment offered by Mr. [James R.] Mann [of South Carolina]: Page 11, line 19, after "use", insert appropriated and."
>
> And on page 12, line 13, after "available", insert "appropriated or". . .
>
> Mr. [M. Caldwell] Butler [of Virginia]: Mr. Chairman, I believe this amendment was disposed of in the last amendment considered, addressed to the same point.
>
> The Chairman:(20) The amendments presented by the gentleman from Pennsylvania were presented, three in number, en bloc. This amendment is one which may be presented separately.
>
> The Chair overrules the point of order.

§ 35.16 Mere similarity of an amendment to one previously considered and rejected is not sufficient to warrant the Chair ruling it out of order; if different in form it is admitted.

On Sept. 23, 1975,(1) during consideration of a bill(2) in the Com-

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17. 111 Cong. Rec. 25418, 89th Cong. 1st Sess. Under consideration was H.R. 4644.
18. Eugene J. Keogh (N.Y.).
19. 119 Cong. Rec. 18518, 18521, 93d Cong. 1st Sess. Under consideration was H.R. 7446.
20. Henry B. Gonzalez (Tex.).
1. 121 Cong. Rec. 29839, 29841, 94th Cong. 1st Sess.
2. H.R. 7014, Energy Conservation and Oil Policy Act of 1975.

mittee of the Whole, the Chair overruled a point of order against an amendment as described above. The proceedings were as follows:

Amendment offered by Mr. Dodd: Page 230, after line 12, insert the following:

(f) (1) The Secretary shall, by rule, prohibit the granting of any right to develop crude oil, natural gas, coal, or oil shale on Federal lands to any person if more than one major oil company, more than one affiliate of a major oil company, or a major oil company and any affiliate of a major oil company, has or have a significant ownership interest in such person. The rules required to be promulgated pursuant to this paragraph shall apply to the granting of any such right which occurs after the 60-day period which begins on the date of enactment of this Act.

(2) For purposes of this subsection—

(A) The term "major oil company" means any person who, together with any affiliate of such person, produces 1.6 million barrels of crude oil, natural gas liquids, and natural gas equivalents per day. . . .

(C) The term "significant ownership interest" means—

(i) with respect to any corporation, 10 percent or more in value of the outstanding stock or the capital assets of such corporation.

(ii) with respect to a partnership, 10 percent or more interest in the profits or capital of such partnership. . . .

Sec. 1201. (a) The Secretary of Interior shall, by rule, prohibit the granting of any right to develop crude oil, natural gas, coal, or oil shale on Federal lands to any person if more than one major oil company, more than one affiliate of a major oil company, or a major oil company and any affiliate of a major oil company, has or have a significant ownership interest in such person. The rules required to be promulgated pursuant to this subsection shall apply to the granting of any such right which occurs after the 60-day period which begins on the date of enactment of this act.

(b) For purposes of this subsection—

(1) The term "major oil company" means any person who, together with any affiliate of such person, produces 1.65 million barrels of crude oil, natural gas liquids, and natural gas equivalents per day. . . .

(3) The term "significant ownership interest" means—

(A) with respect to any corporation, 20 percent or more in value of the outstanding stock or the capital assets of such corporation,

(B) with respect to a partnership, 20 percent or more interest in the profits or capital of such partnership. . . .

Mr. [Louis] Frey [Jr., of Florida]: . . . I would like to speak on my point of order. On page 9 of Cannon's procedures it states as follows:

> Previously rejected.
> Mere change of figures not sufficient to admit.

It is my understanding that this amendment was rejected by the House on July 31 and the only change in this amendment, if I am correct, between that date and today is the figure of 1.65 million barrels of crude oil and 1.6 million barrels of crude oil. I think that is not a substantial change. I think that comes within the rules stated on page 9 of Cannon's procedures. . . .

Mr. [Christopher J.] Dodd [of Connecticut]: Mr. Chairman, in addition to the change in the production figures there is also a change in the definition of a significant ownership in this, the change from 10 percent to 20 percent. I would submit, Mr. Chairman, that these are significant changes in that the actual production that would be involved means that we are talking about 500,000 barrels of oil a day, and that is significant.

Also, I would point to similar cases which have raised this point. I am referring to Deschler's procedure, section 33, referring to amendments previously considered and rejected, and there are numerous cases that are referred to which involve the very point of order raised by the gentleman from Florida, and I would quote from one particular one:

> Mere similarity of an amendment to one previously considered and rejected is not sufficient to warrant the Chair ruling it out of order; if different in form it is admitted.

I repeat that this is a substantial change in the figures; it is different in form, and therefore is in order.

The Chairman:(3) The Chair is ready to rule.

There are numerous precedents that affect this matter, and the Chair will cite them, section 2840, volume 8 of Cannon's precedents, and other precedents following section 2840, that the Chair might state but will not do so in order not to prolong the matter.

The Chair feels that the changes are sufficient to be completely in line with section 2840, page 438, volume 8 of Cannon's precedents:

> Similarity of an amendment to one previously rejected will not render it inadmissible if sufficiently different in form to present another proposition.

The Chair feels the various changes make this another proposition and therefore overrules the point of order.

—Portion of Rejected Amendment Offered

§ 35.17 Rejection of an amendment consisting of two sections does not preclude one of those sections being subsequently offered as a separate amendment, since a portion of a rejected amendment may be subsequently offered as a separate amendment if presenting a different proposition.

An example of the proposition described above occurred on July 15, 1981,(4) during consideration of H.R. 3519, the Department of Defense authorization bill for fiscal year 1982. The proceedings in the Committee of the Whole were as follows:

The Chairman:(5) The Clerk will report the next Government Operations Committee amendment.

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3. Richard Bolling (Mo.).

4. 127 Cong. Rec. 15874, 15875, 15898, 15899, 97th Cong. 1st Sess.

5. Paul Simon (Ill.).

The Clerk read as follows:

> Government Operations Committee amendment: Page 45, beginning on line 9, strike out all of section 909 through line 14 on page 51 and insert in lieu thereof the following new sections (and redesignate the succeeding sections accordingly). . . .
>
> Sec. 908. (a) Chapter 137 of title 10, United States Code, relating to procurement generally, is amended by adding at the end thereof the following new section. . . .
>
> "Notwithstanding any other provision of this title, procurement of any automatic data processing equipment or services by or for the use of the Department of Defense shall be conducted in accordance with section 111 of the Federal Property and Administrative Services Act of 1949. . . .

So the Government Operations Committee amendment was rejected. . . .

Mr. [Jack] Brooks [of Texas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Brooks: Page 59, insert before line 6 the following new section (and redesignate the succeeding sections accordingly):
>
> Sec. 910. (a) Chapter 137 of title 10, United States Code, relating to procurement generally, is amended by adding at the end thereof the following new section. . . .
>
> "Notwithstanding any other provision of this title, procurement of any automatic data processing equipment or services by or for the use of the Department of Defense shall be conducted in accordance with section 111 of the Federal Property and Administrative Services Act of 1949. . . .

Mr. [Samuel S.] Stratton [of New York]: Mr. Chairman, the amendment which the gentleman has offered and which has just been read is part of the amendment which has just been voted down overwhelmingly by the House. I make the point of order that since the amendment has been rejected, it is out of order. . . .

Mr. Brooks: Mr. Chairman, I would like to say that the amendment is designed to save the ADP law that the Congress has passed, and would endorse the current situation in the ADP law and would maintain it. It is offered as an amendment appropriately, because it was a part of the previous amendment just voted on. It is a part of that amendment, and the precedents of the House allow the consideration as amendments of portions of an amendment previously considered. . . .

The Chairman: The Chair will rule under the principle contained in Deschler's Procedures, chapter 27, section 33.8, where it says:

> Rejection of several amendments considered en bloc by unanimous consent does not preclude their being offered separately at a subsequent time.

The Chair will rule that the point of order is not well taken, and that the amendment is in order.

Mr. Stratton: Mr. Chairman, a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Stratton: Mr. Chairman, the Chair just stated in ruling against the point of order that two amendments offered en bloc can be separated. The parliamentary inquiry is, was the preceding amendment offered by the gentleman from Texas offered as two amendments en bloc?

My understanding was, it was the committee amendment. It embraces two paragraphs and was not offered as two amendments en bloc.

The Chairman: The precedent cited—and this is not an exact parallel, the gentleman from New York is correct in that—but it does suggest that the original amendment, once rejected as an entire proposition, may be re-offered in part as a narrower different proposition.

—Amendment Narrower in Scope Than Rejected Amendment

§ 35.18 Where an amendment proposing preferential treatment of particular governmental agencies pending under reorganization plans had been rejected, an amendment proposing preference for certain of the agencies enumerated in the rejected amendment was held to be in order.

On Feb. 7, 1949,[6] the following proceedings took place:

The Clerk read as follows:

> Amendment offered by Mr. [Charles A.] Halleck [of Indiana]: Page 7, line 20, after the word "commission" strike out the period and insert the following: "National Mediation Board, National Railroad Adjustment Board, Railroad Retirement Board, Federal Communications Commission, Civil Aeronautics Board. . . ."

So the amendment was rejected. . . . The Clerk read as follows:

> Amendment offered by Mr. [Cleveland M.] Bailey [of West Virginia]: On page 7, line 20, after the words "Securities and Exchange Commission", strike out the period, insert a comma and add "Railroad Retirement Board, National Mediation Board, and National Railroad Retirement Adjustment Board.". . .

Mr. [Herbert C.] Bonner [of North Carolina]: Mr. Chairman, these agencies were included in the amendment that has just been defeated.

The Chairman:(7) The Chair may say to the gentleman that this is a different amendment in that in the previous amendment there were additional agencies included. The point of order is overruled.

—Limitation on Use of Funds

§ 35.19 An amendment containing a limitation on the use of funds in an appropriation bill having been rejected, the Chair held that another amendment—containing a similar limitation and also stating an exception from that limitation—was not an identical amendment and could be offered.

On June 29, 1972,[8] the following proceedings took place:

The Clerk read as follows:

> Amendment offered by Mr. [Garry E.] Brown of Michigan: On page 43, line 9, delete the period after the

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[6] 95 Cong. Rec. 910, 912, 81st Cong. 1st Sess. Under consideration was H.R. 2361, to provide for the reorganization of government agencies.

[7] Oren Harris (Ark.).

[8] 118 Cong. Rec. 23378, 23379, 92d Cong. 2d Sess. Under consideration was H.R. 15690.

> figure "$2,341,146,000" and insert the following: "Provided that no part of the funds appropriated by this Act shall be used during the fiscal year ending June 30, 1973 to make food stamps available to a household where the necessity and eligibility of such household for assistance stems solely from the unemployment of a member of such household who is a member of an employee unit which has voluntarily terminated employment due to a labor dispute or controversy, except that such limitation shall not apply to a household eligible for general assistance directly payable by such household's local unit of government."

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Chairman, I make a point of order against the amendment. It is legislation on an appropriation bill and, for all practical purposes, it is a perfecting amendment and identical to the one we have already voted on. . . .

MR. BROWN of Michigan: . . . [I]t is not the same amendment as the Michel amendment because it is not an absolute prohibition on food stamps to strikers, so called. It says that eligibility for food stamps shall be based upon eligibility for general assistance, not the food stamp program itself. . . .

THE CHAIRMAN:(9). . . [The amendment] is not identical to the amendment previously offered, nor is it subject to the interpretation that it would simply do exactly the same thing as the amendment previously offered and rejected.

Rejection of Prior Amendment Striking or Changing Figure in Appropriation Bill

§ 35.20 If an amendment seeking to strike out a figure in an appropriation bill has been rejected, it is in order to offer another amendment to change such figure.

On Mar. 26, 1942,(10) the following proceedings took place:

The Clerk read as follows:

> Amendment offered by Mr. [Joshua L.] Johns [of Wisconsin]: Page 79, line 18, strike out "$500,000" and insert "$350,000.". . .

MR. [FRANCIS H.] CASE of South Dakota: Mr. Chairman, I make the point of order that this question has already been settled under the previous amendment, which was to strike out the entire amount. [Note: The amendment referred to had been rejected.]

THE CHAIRMAN:(11) This amendment seeks to insert a different amount. The Chair overrules the point of order.

§ 35.21 Rejection of an amendment changing a figure in a bill does not preclude the offering of a different amendment to that provision.

On Nov. 18, 1981,(12) the Committee of the Whole having under

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9. James C. Wright, Jr. (Tex.).

10. 88 CONG. REC. 3023, 77th Cong. 2d Sess. Under consideration was H.R. 6845, Interior Department appropriations for 1943.

11. Jere Cooper (Tenn.).

12. 127 CONG. REC. 28048, 97th Cong. 1st Sess.

consideration H.R. 4995,(13) the Chair responded to a parliamentary inquiry as described above. The proceedings were as indicated below:

> MR. [ELLIOTT H.] LEVITAS [of Georgia]: If the amendment of the gentleman from New York is not agreed to, would it then be in order for a further amendment to the same figures to be offered relating solely to the basing mode?
>
> THE CHAIRMAN:(14) If the amendment is not agreed to and the figures are not changed, further amendments to those figures and to this paragraph would be in order.

Rejection of Motion To Strike

§ 35.22 A motion to strike out certain language having been previously rejected may not be offered a second time.

On Aug. 5, 1966,(15) the following proceedings took place:

> The Clerk read as follows:
>
> Amendment offered by Mr. [Howard W.] Smith of Virginia: On page 65, line 15, strike all of section 404 down to and through page 66, line 3.
>
> MR. [PETER W.] RODINO [Jr., of New Jersey]: Mr. Chairman, a point of order. . . .
>
> The amendment has already been voted upon. . . .
>
> MR. [BASIL L.] WHITENER [of North Carolina]: . . . I had an amendment to that effect, which was voted down.
>
> THE CHAIRMAN:(16) That is the Chair's recollection, too. The point of order is sustained.

§ 35.23 A motion to strike out a paragraph having been rejected, a motion to strike out the paragraph and insert a new provision is in order.

On Sept. 21 and 22, 1965,(17) the following proceedings took place:

> The Clerk read as follows:
>
> Amendment offered by Mr. [Joseph S.] Clark [of Pennsylvania]: On page 41, strike out lines 3 through 12, inclusive. . . .
>
> [The amendment was rejected.](18)
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Clark: Substitute the following language for the language on page 41, lines 4 through 12, inclusively:
>
> "The Secretary of the Army is hereby authorized. . . ."
>
> MR. [ROBERT E.] JONES [Jr.] of Alabama: Mr. Chairman, I make a point of order against the amendment. . . .
>
> This amendment has been considered and was subject to amendment under the previous amendment offered to strike this project.

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13. Department of Defense appropriation bill for fiscal year 1982.
14. Dan Rostenkowski (Ill.).
15. 112 CONG. REC. 18418, 18419, 89th Cong. 2d Sess. Under consideration was H.R. 14765.
16. Richard Bolling (Mo.).
17. 111 CONG. REC. 24631, 24632, 24658, 89th Cong. 1st Sess. Under consideration was S. 2300.
18. 111 CONG. REC. 24635, 89th Cong. 1st Sess.

THE CHAIRMAN:(19) The Chair will inform the gentleman from Alabama that the purpose of this amendment is to insert something other than that which was taken into consideration yesterday. So the point of order against this amendment is overruled. . . .(20)

Rejection of Motion To Strike Out and Insert

§ 35.24 A motion to strike out a title contained in a bill was held to be in order notwithstanding the fact that the Committee of the Whole had previously considered two motions to strike out such title and insert other language.

On July 25, 1957,(1) the following proceedings took place:

The Clerk read as follows:

Amendment offered by Mr. [Donald E.] Tewes [of Wisconsin]: On page 31, line 19, strike out all of title I through page 46, line 11. . . .

MR. [STEWART L.] UDALL [of Arizona]: Mr. Chairman, we considered earlier today two amendments, one offered by the gentleman from Kansas [Mr. Scrivner] and one by the gentleman from Connecticut [Mr. May]. The purpose of both these amendments was to strike out title I. Both amendments were considered. One was voted down and one was knocked out on a point of order. I make the point of order, Mr. Chairman, that this motion has been made and has been considered and voted down by the Committee of the Whole.

THE CHAIRMAN:(2) The Chair calls the attention of the gentleman to the fact that the motions heretofore made were to strike and insert. This is the first time a motion has been made to strike out the entire title. Therefore, the point of order is overruled.

Rejection of Substitute as Not Precluding Motion To Strike

§ 35.25 Where a substitute amendment had been rejected, the Chair permitted a motion to strike language from a pending amendment, even though the motion was offered to accomplish one of the purposes of the rejected substitute.

On Mar. 11, 1958,(3) the following exchange took place with re-

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19. Daniel D. Rostenkowski (Ill.).

20. 111 CONG. REC. 24658, 89th Cong. 1st Sess.

1. 103 CONG. REC. 12744, 85th Cong. 1st Sess. Under consideration was H.R. 1, to authorize federal assistance to the states and local communities in financing an expanded program of school construction so as to eliminate the national shortage of classrooms.

2. Francis E. Walter (Pa.).

3. 104 CONG. REC. 4010, 85th Cong. 2d Sess. Under consideration was S. 497, authorizing construction, repair, and preservation of certain public works, etc.

See the language sought to be stricken at 104 CONG. REC. 3820, 85th Cong. 2d Sess., Mar. 10, 1958. The motion sought to strike the language; the rejected substitute had similarly sought to omit the language.

spect to an amendment which was alleged to have the same purpose as one previously considered:

> Mr. [Frank E.] Smith of Mississippi: Mr. Chairman, I make the point of order that the amendment has the same purpose and the same, identical result as the Mack substitute, which has been voted down. We are voting twice upon the same language, the same point made by the gentleman from Alabama a moment ago. The same lines and item are in the Blatnik amendment.
>
> The Chairman:(4) The Chair overrules the point of order.

Substitute Agreed To as Amended, Then Rejected in Vote on Original Amendment

§ 35.26 Where a proposed substitute for an amendment is itself amended and then agreed to as amended, the rejection of the original amendment as amended by the substitute does not preclude re-offering, as an amendment to text, the same proposition as initially contained in the substitute.

The proceedings of Mar. 14 and 15, 1960, are discussed in § 32.24, supra.

Inclusion of Rejected Amendment in Motion To Recommit

§ 35.27 Rejection of an amendment in the Committee of the Whole does not preclude the offering of the same amendment in the House in a motion to recommit with instructions.

On July 8, 1940,(5) the following proceedings took place:

> The Clerk read as follows:
>
> Mr. [Hamilton] Fish [Jr., of New York] moves to recommit the bill S. 326 to the Committee on Foreign Affairs with instructions to that committee to report the same back forthwith with the following amendment: . . .
>
> Mr. Luther A. Johnson [of Texas]: An identical amendment was voted upon in Committee of the Whole, offered by the gentleman from Pennsylvania [Mr. Rich].
>
> The Speaker:(6) That was an amendment which was offered in Committee of the Whole, the Chair will state. The House takes no judicial notice of action in Committee of the Whole or the rejection of an amendment in the Committee. The point of order is overruled.

Similarly, on July 26, 1947,(7) the Speaker indicated that, since the House has no information as to actions of the Committee of the Whole on amendments which are not reported therefrom, a point of order against an amendment that is offered in a motion to recommit with instructions cannot be based on the ground that the amendment was voted down in the Committee of the Whole.

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(4) Howard W. Smith (Va.).

(5) 86 Cong. Rec. 9302, 9303, 76th Cong. 3d Sess. Under consideration was S. 326, the Mexican claims bill.

(6) William B. Bankhead (Ala.).

(7) 93 Cong. Rec. 10455, 80th Cong. 1st Sess. Under consideration was S. 1498, to provide support for wool.

The proceedings were as follows:

The Speaker:[8] The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. [Christian A.] Herter [of Massachusetts] moves to recommit the bill to the Committee on Agriculture with instructions to report it back forthwith with the following amendment: Beginning in line 5, page 1, strike out the words "at the price it supported wool in 1946" and insert in lieu thereof the words, "at a price not less than 90 percent of parity."

Mr. [John E.] Rankin [of Mississippi]: Mr. Speaker, a point of order.

The Speaker: The gentleman will state it.

Mr. Rankin: Mr. Speaker, I make the point of order that it is not in order now to offer a motion to recommit with that provision, for the simple reason that the same provision has just been voted down by the House.

The Speaker: In a parliamentary way the House has no knowledge of what happened in the Committee.

The Chair overrules the point of order.

Vacating Proceedings by Unanimous Consent

§ 35.28 The Committee of the Whole by unanimous consent vacated the proceedings by which it had rejected an amendment and then agreed to the amendment.

On May 27, 1948,[9] the following proceedings took place:

Mr. [Ben F.] Jensen [of Iowa]: . . . I ask unanimous consent to reconsider the vote by which action was taken on the amendment offered by the gentleman from North Carolina. . . .

The Chairman:[10] Without objection, the Chair will again put the question, so there will be no mistake. . .

The amendment was agreed to.

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[8] Joseph W. Martin, Jr. (Mass.).

[9] 94 Cong. Rec. 6629, 80th Cong. 2d Sess. Under consideration was H.R. 6705, the Interior Department appropriation bill for 1949.

[10] Earl C. Michener (Mich.).

G. HOUSE CONSIDERATION OF AMENDMENTS REPORTED FROM COMMITTEE OF THE WHOLE

§ 36. In General; Demands for Separate Vote

In the absence of a special rule providing therefor, a separate vote may not be had in the House on an amendment to an amendment that has been adopted by the Committee of the Whole. Thus, an amendment in the form of a motion to strike and insert, reported from the Committee of the Whole as an entire and distinct amendment, may not be divided, but must be voted on as a whole in the House.(11) Since the Committee of the Whole in reporting a bill with an amendment to the House reports such amendment in its perfected form, it is not in order in the House to have a separate vote upon each perfecting amendment to the amendment that has been agreed to in the Committee of the Whole absent a special rule providing to the contrary.(12) Amendments considered en bloc in committee may, however, be divided for votes in the House.(13)

A special rule may, of course, provide for separate votes on second degree amendments.

Thus, a separate vote may be had in the House on amendments to a committee amendment in the nature of a substitute adopted in the Committee of the Whole where the rule under which the bill was considered provides that a separate vote may be demanded in the House on any amendment to the bill or committee substitute.(14) But where separate votes are permitted, only those amendments reported to the House from the Committee of the Whole are voted on; it is not in order to demand a separate vote in the House on amendments rejected in the Committee. As the House

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11. See, for example, 104 Cong. Rec. 16264, 85th Cong. 2d Sess., Aug. 5, 1958. And see §§ 36.6, 36.13, infra.
12. See § 36.6, infra.
13. See § 36.28, infra.
14. See, for example, 87 Cong. Rec. 5933, 77th Cong. 1st Sess., July 10, 1941; 101 Cong. Rec. 12459, 12460, 84th Cong. 1st Sess., July 30, 1955.

    On one occasion, separate votes were demanded on all 18 amendments to a bill adopted in the Committee of the Whole, and on those amendments there were 14 roll calls in one day. See 103 Cong. Rec. 5162–71, 85th Cong. 1st Sess., Apr. 4, 1957. Under consideration was H.R. 6287, making appropriations for the Departments of Labor, Health, Education, and Welfare, etc.

theoretically has no information as to actions of the Committee of the Whole on amendments not reported therefrom, a point of order does not lie against an amendment to a bill offered in a motion to recommit with instructions, if based on the grounds that the amendment was voted down in the Committee of the Whole.(15)

The previous question may be moved on a number of amendments reported from the Committee of the Whole, leaving certain other amendments reported from the Committee for further consideration in the House. Where the previous question is ordered on some amendments reported from the Committee of the Whole, such amendments must be disposed of prior to further consideration of any remaining amendments.(16)

Perfecting Amendments to Section Later Stricken in Committee of the Whole Not Reported

§ 36.1 When the Committee of the Whole amends a section of a bill, but subsequently strikes out a portion of the bill which includes the amended section, the first amendment is not reported to the House.

On July 5, 1956,(17) the following inquiry was made:

> Mr. [James] Roosevelt [of California]: In order that we may understand what has already transpired, am I correct in assuming that the adoption of the amendment offered by the gentleman from New York has stricken all previous amendments, including the Powell amendment, adopted by the committee?

After an affirmative response by the Chair, the following exchange took place:

> Mr. [Albert P.] Morano [of Connecticut]: Does that mean then that when we go back into the House there will be no opportunity to vote for or against the Powell amendment on a rollcall?
>
> The Chairman:(18) Well, under the present circumstances, that is correct.

The Chair indicated the Powell amendment would not be reported to the House.

§ 36.2 Where the Committee of the Whole had adopted a perfecting amendment to a section

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15. See § 35.27, supra.
16. See 82 Cong. Rec. 1285-88, 75th Cong. 2d Sess., Dec. 10, 1937. For discussion of the previous question and motions therefor generally, see Ch. 23, supra. See also § 14, supra.
17. 102 Cong. Rec. 11867, 84th Cong. 2d Sess. Under consideration was H.R. 7535, to authorize federal assistance to states and local communities in financing an expanded program of school construction so as to eliminate the national shortage of classrooms.
18. Francis E. Walter (Pa.).

of a bill and subsequently adopted an amendment striking out the section as so amended, the Chair indicated that, in the House, a separate vote could not be had on the perfecting amendment to the section since it was not reported back to the House.

On Dec. 8, 1937,(19) the following proceedings took place:

MR. [GERALD J.] BOILEAU [of Wisconsin]: Mr. Chairman, I make this parliamentary inquiry for the purpose of clarifying the situation which will arise when we get back into the House in the matter of a separate vote on various amendments. The gentleman from Illinois [Mr. Lucas] earlier this afternoon, proposed an amendment to this section 201, which was agreed to. The amendment changed the language with reference to making loans on corn. That amendment was approved by the Committee. Later on the gentleman from Texas [Mr. Jones] offered an amendment. . . . His amendment struck out all of the language beginning on line 14, page 14, and moved to strike out all of the language put into the bill by the amendment of the gentleman from Illinois [Mr. Lucas]. When we get back into the House and a separate vote is asked on the Jones amendment, assuming that the Jones amendment fails on a separate vote, does that then restore the bill before the House in its original form, or in the form as amended by the gentleman from Illinois [Mr. Lucas]? . . .

THE CHAIRMAN:(20) In the first place, the question presented by the gentleman from Wisconsin is a question for the Speaker and not for the Chairman of the Committee of the Whole House on the state of the Union. However, the Chair states that in his opinion the question presented to the House for consideration would be a separate vote upon the amendment offered by the gentleman from Texas [Mr. Jones] and adopted in the Committee of the Whole, which struck out the amendment offered by the gentleman from Illinois [Mr. Lucas], previously adopted, together with other language of the section. In the event the House should vote down the Jones amendment, then the original section 201 of the bill would be before the House for consideration.

Effect of Rejection in House of Motion To Strike Section, Generally

§ 36.3 Where the Committee of the Whole had adopted perfecting amendments to a section of a bill and had then agreed to an amendment striking out the entire section, the Speaker indicated that only the amendment striking out the section had been reported to the House and, therefore, if such amendment was rejected in the House, only the original language of that

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19. 82 CONG. REC. 1114, 1115, 75th Cong. 2d Sess. Under consideration was H.R. 8505, a farm bill.

20. Jere Cooper (Tenn.).

section (without amendments) would be before the House; and, furthermore, that such section could only be further amended in the House by a motion to recommit with instructions, the previous question having been ordered on the bill to final passage.

On Feb. 5, 1974,[1] during consideration in the House of a bill[2] reported back from the Committee of the Whole, the Speaker[3] responded to several parliamentary inquiries, as indicated below:

> Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Matsunaga, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11221) to provide full deposit insurance for public units and to increase deposit insurance from $20,000 to $50,000, pursuant to House Resolution 794, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.
>
> THE SPEAKER: Under the rule, the previous question is ordered. . . .
>
> The question is on the amendment adopted in the Committee of the Whole. . . .
>
> Without objection, the Clerk will read the amendment.
>
> The Clerk read as follows:
>
> Amendment: Strike out section 1 of the bill.
>
> MR. [CHALMERS P.] WYLIE [of Ohio]: Mr. Speaker, I have a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. WYLIE: If this amendment is not adopted now, then the bill will revert back to the bill as reported by the Committee on Banking and Currency, is that not correct?
>
> THE SPEAKER: The Chair's understanding is that it will revert back to the original bill without the committee amendment. . . .
>
> MR. [LAWRENCE G.] WILLIAMS [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry. . . .
>
> While the bill was under consideration, under section 1 an amendment was adopted which was offered by Mr. Stephens of Georgia. At a later time an amendment was offered by Mr. Wylie to section 1 to strike section 1. If the amendment offered by Mr. Wylie in the Committee of the Whole is now defeated in the Whole House, does not that continue Mr. Stephens' amendment in the bill. . . .
>
> THE SPEAKER: The Chair wishes to make clear the parliamentary situation. Several amendments were adopted to section 1. Subsequently an amendment offered by the gentleman from Ohio (Mr. Wylie) striking section 1 was adopted. That is the only amendment reported to the House, the amendment striking section 1.
>
> The vote now is, at the request of the gentleman from Rhode Island (Mr. St Germain), on the Wylie-amendment

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[1] 120 CONG. REC. 2078, 2079, 93d Cong. 2d Sess.

[2] H.R. 11221, amending the Federal Deposit Insurance Act.

[3] Carl Albert (Okla.).

striking section 1. If that amendment is adopted, then section 1 is eliminated. If that amendment is defeated, section 1 is back in the bill without any amendment. . . .

Mr. [Robert G.] Stephens [Jr., of Georgia]: Mr. Speaker, a further parliamentary inquiry. If this is voted down, then should we not have an opportunity to consider my amendment?

The Speaker: The only way the amendment could be voted on would be a motion to recommit.

The question is on the amendment.

Effect of Rejection in House of Motion To Strike Section, Where Member Did Not Demand Separate Vote on Perfecting Amendments to Section

§ 36.4 Where the Committee of the Whole reports a bill back to the House with an adopted committee amendment in the nature of a substitute pursuant to a special rule allowing separate votes in the House on any amendment adopted in Committee of the Whole to the bill or to that committee substitute, and a separate vote is demanded in the House only on an amendment striking out a section of the committee substitute, but not on perfecting amendments which have previously been adopted in Committee of the Whole to that section, rejection in the House of the motion to strike the section results in a vote on the committee substitute with that section in its original form and not as perfected (the perfecting amendments having been displaced in Committee of the Whole by the motion to strike and not having been revived on a separate vote in the House).

On Oct. 13, 1977,[4] the Committee of the Whole having reported H.R. 3816 back to the House with an amendment, the proceedings described above were as follows:

The Chairman:[5] Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Chairman: Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Kazen, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 3816) to amend the Federal Trade Commission Act to expedite the enforcement of Federal Trade Commission cease and desist orders and compulsory process orders; to increase the independence of the Federal Trade Commission in legislative, budgetary, and personnel matters; and for other purposes, pursuant to House Resolution 718, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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[4] 123 Cong. Rec. 33622, 33623, 95th Cong. 1st Sess.

[5] Abraham Kazen, Jr. (Tex.).

The Speaker:[6] Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. [**Bob**] **Eckhardt** [of Texas]: Mr. Speaker, I demand a separate vote on the so-called Krueger amendment. . . .

Mr. [**James** T.] **Broyhill** [of North Carolina]: Mr. Speaker, is it not correct that we would be acting on section 7 as written in the bill and not on the amendments as adopted by the Committee of the Whole if the Krueger amendment is adopted?

The Speaker: The amendment is to strike section 7 of the bill. The vote will be on that.

Mr. Broyhill: Mr. Speaker, if the Krueger amendment is defeated, then what is in the bill is the section as written in the bill and not the amendments that were adopted?

The Speaker: We are back to the original committee bill.

Mr. Broyhill: The original committee bill only, and not the amendments that were adopted?

The Speaker: The gentleman is correct.

Parliamentarian's Note: House Resolution 718, under which the House was operating, provided that the committee amendment in the nature of a substitute be read as an original bill for amendment and that separate votes could be demanded in the House on any amendment adopted in Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. In the above proceeedings, the House could have retained the section as perfected in Committee of the Whole by first adopting, on separate votes, the perfecting amendments to section 7, and then rejecting on a separate vote the motion to strike that section. A Member who fails to demand a separate vote on a perfecting amendment to a portion of an amendment being read as original text, where a separate vote is demanded on a motion to strike which has deleted that perfecting language, allows the perfecting language to lapse whether or not the motion to strike is adopted on a separate vote.

Adopted Language Deleted by Amendment Striking Out and Inserting New Text

§ 36.5 When the Committee of the Whole adopts language that is subsequently deleted by an amendment striking out and inserting new text, only the latter amendment is reported to the House.

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6. Thomas P. O'Neill, Jr. (Mass.).

The ruling on June 20, 1967, was to the effect that, where the Committee of the Whole amends a line of a bill and then strikes out a portion of the bill including the line as amended, and inserts new language, the first amendment is not reported to the House.(7)

Special Rule Permitting Separate Vote

§ 36.6 In the absence of a special rule providing therefor, a separate vote may not be had in the House on an amendment to an amendment which has been adopted by the Committee of the Whole.

On Oct. 18, 1967,(8) the following proceedings took place:

THE CHAIRMAN:(9) Under the rule, the committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Vanik, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 888) making continuing appropriations for the fiscal year 1968, and for other purposes, pursuant to House Resolution 949, he reported the joint resolution back to the House with an amendment adopted by the Committee of the Whole.

THE SPEAKER:(10) Under the rule, the previous question is ordered. . . .

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, the parliamentary inquiry is—is it possible to get a separate vote on any of the amendments to the Whitten amendment, including the amendments reducing the OEO program and the foreign aid program?

THE SPEAKER: Not in the House at this time. There is one amendment that has been reported by the Committee of the Whole.

Similarly, on July 16, 1968,(11) the following exchange took place:

MR. [DURWARD G.] HALL [of Missouri]: In the event that either one of those amendments referred to by the distinguished gentleman from the Committee on Rules on pages 2 and 3 of the bill are amended in the normal amendatory process and are passed, would they be subject, on request of any individual Member, to a separate vote after the Committee rises and we go back into the Whole House?

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7. 113 CONG. REC. 16498, 90th Cong. 1st Sess. (See the proceedings, generally, at pp. 16487 et seq.) Under consideration was H.R. 10480.
8. 113 CONG. REC. 29317, 90th Cong. 1st Sess.

   See also 79 CONG. REC. 9998, 74th Cong. 1st Sess., June 24, 1935; 82 CONG. REC. 1285, 75th Cong. 2d Sess., Dec. 10, 1937; 82 CONG. REC. 1834, 75th Cong. 2d Sess., Dec. 17, 1937; 84 CONG. REC. 9451–53, 76th Cong. 1st Sess., July 18, 1939; 98 CONG. REC. 7421, 82d Cong. 2d Sess., June 17, 1952; and 113 CONG. REC. 25228, 90th Cong. 1st Sess., Sept. 12, 1967.
9. Charles A. Vanik (Ohio).
10. John W. McCormack (Mass.).
11. 114 CONG. REC. 21546, 90th Cong. 2d Sess.

THE SPEAKER:(12) The Chair understands the parliamentary inquiry, but the Chair seeks to obtain the facts. The Chair has examined the bill and notes (a) section 211(d), for example, is a committee amendment to the bill. That would require a separate vote in the Committee of the Whole and would be entitled to a separate vote in the House if it were adopted in the Committee of the Whole, but an amendment to the committee amendment adopted in the Committee of the Whole would not be subject to a separate vote in the House.

Parliamentarian's Note: On one occasion, in the absence of a point of order, amendments to amendments adopted in the Committee of the Whole were voted on in the House and rejected prior to the vote being taken on the amendments as reported from the Committee of the Whole. The proceedings took place on Jan. 28, 1937,(13) during consideration of a bill(14) to extend the classified Civil Service to include postmasters of the first, second, and third classes.

In the Committee of the Whole, various amendments offered by Mr. Ross A. Collins, of Mississippi, to committee amendments had been adopted, and the committee amendments agreed to. When these amendments were reported from the Committee of the Whole, Mr. Robert Ramspeck, of Georgia, asked for a separate vote on all of the Collins amendments agreed to in the Committee of the Whole. No point of order was raised against the request, and the Chair directed the Clerk to report the amendments upon which a separate vote had been demanded. The House then, on a rollcall vote, rejected the Collins amendments and the Chair(15) immediately put the question on agreeing to the remaining amendments adopted in the Committee of the Whole.

§ 36.7 Separate votes are sometimes had in the House on amendments to an amendment adopted in the Committee of the Whole pursuant to provisions of a resolution permitting such procedure.

On Mar. 31, 1948,(16) the following exchange took place:

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a point of order. I make the point of order, that the House has not been given an opportunity to request a separate vote on any amendment that was adopted. The rule

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12. John W. McCormack (Mass.).
13. 81 CONG. REC. 534, 75th Cong. 1st Sess.
14. H.R. 1531.
15. Speaker William B. Bankhead (Ala.).
16. 94 CONG. REC. 3874, 80th Cong. 2d Sess. See also 95 CONG. REC. 2542, 2543, 81st Cong. 1st Sess., Mar. 15, 1949.

under which the bill was considered, as I understand it, provided that it should be read for amendment, and any amendment agreed to by the Committee of the Whole would be subject to a request for a separate vote. . . .

THE SPEAKER:(17) The Chair will state that he did not ask if a separate vote on any amendment was demanded.

Is a separate vote on any amendment demanded?

Separate Vote on Amendment to Amendment in Nature of Substitute

§ 36.8 Where the Committee of the Whole reports a bill back to the House with an amendment in the nature of a substitute, a separate vote may not be demanded on an amendment adopted to that substitute in the Committee of the Whole unless the special order governing consideration of the bill expressly allows such separate votes (normally only where a committee amendment in the nature of a substitute has been read as an original bill for amendment), since only one amendment in its perfected form has been reported from Committee of the Whole.

An example of the proposition described above occurred on Nov. 17, 1983,(18) during consideration of H.R. 2350.(19)

THE CHAIRMAN: Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Gonzalez) having assumed the chair, Mr. [John B.] Breaux [of Louisiana], Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2350) to amend the Public Health Service Act to revise and extend the authorities under that act relating to the National Institutes of Health and the National Research Institutes, and for other purposes, pursuant to House Resolution 208, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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17. Joseph W. Martin, Jr. (Mass.).

18. 129 CONG. REC. 33463, 98th Cong. 1st Sess. See also the proceedings at 113 CONG. REC. 29317, 90th Cong. 1st Sess., Oct. 18, 1967 (responding to parliamentary inquiry, the Speaker indicated separate vote would not be allowed); and 110 CONG. REC. 2804, 2805, 88th Cong. 2d Sess., Feb. 10, 1964 (where a Member was allowed to demand a separate vote pursuant to the terms of a special rule). And see 117 CONG. REC. 34337, 92d Cong. 1st Sess., Sept. 30, 1971; and 106 CONG. REC. 11282, 11292, 11296–98, 11301, 86th Cong. 2d Sess., May 26, 1960 (discussed further in § 25.3, supra).

19. The Health Research Extension Act of 1983.

The Speaker Pro Tempore:(20) Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The Speaker Pro Tempore: The question is on the engrossment and third reading of the bill.

Mr. [William E.] Dannemeyer [of California]: Mr. Speaker, I demand a separate vote on the Chandler amendment.

The Speaker Pro Tempore: The gentleman's motion at this time comes too late and is not in order under the rule providing for consideration of this bill.

At this point the question is on the engrossment and third reading of the bill.

§ 36.9 A unanimous-consent request has been made in the House that the Committee of the Whole consider a committee amendment in the nature of a substitute as an original bill for purposes of amendment and that a separate vote in the House be allowed on any amendment to the original bill or to the committee substitute.

The unanimous-consent request described above may be made in the following form:(1)

Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill [number and description of bill] and pending that, I ask unanimous consent that it shall be in order to consider the substitute amendment recommended by the Committee . . . now in the bill, that such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill, and that any Member may demand a separate vote in the House on any of the amendments adopted in Committee of the Whole to the bill or committee substitute.

Separate Vote on Portion of Amendment

§ 36.10 A separate vote may not be had in the House on a portion of an amendment adopted in the Committee of the Whole and reported therefrom; the amendment must be voted on in its entirety as reported.

On July 20, 1951,(2) the following exchange took place:

Mr. [Sidney R.] Yates [of Illinois]: Mr. Speaker, may a separate vote be taken on a portion of a committee amendment, namely section 206 (a) and (b) on page 83?

The Speaker:(3) A separate vote cannot be had on a portion of the

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20. Henry B. Gonzalez (Tex.).

1. See 84 Cong. Rec. 9183, 76th Cong. 1st Sess., July 14, 1939 (request by Mr. Robert Ramspeck [Ga.]).

2. 97 Cong. Rec. 8608, 82d Cong. 1st Sess. Under consideration was H.R. 3871, amendments to the Defense Production Act of 1950.

3. Sam Rayburn (Tex.).

amendment reported by the Committee of the Whole. The amendment must be voted on in its entirety as reported by the Committee of the Whole.

Committee Amendment Amended by Substitute

§ 36.11 It is usually not possible to have a separate vote in the House on a committee amendment that has been amended by a substitute in the Committee of the Whole.

Thus, on July 8, 1937, where a committee amendment proposing to strike out all after the enacting clause and insert new matter was amended by a substitute, and the committee amendment as amended agreed to, it was subsequently held not in order in the House to demand a separate vote on the original committee amendment.[4] The proceedings were as follows:

> MR. [GERALD J.] BOILEAU [of Wisconsin]: May I ask the Chair whether or not it is possible to have a separate vote on the committee amendment? There was a committee amendment that was amended by the Cochran amendment. Can we have a separate vote on the committee amendment so that the issue may be drawn as between the committee amendment as amended and the original bill?
>
> THE SPEAKER:[5] The Chair may say in reply to the parliamentary inquiry that there is only one vote possible under the report of the Chairman of the Committee of the Whole House, and that vote will be upon the committee amendment as amended by the Cochran substitute.

Amendments Rejected in Committee of the Whole

§ 36.12 Where separate votes are permitted, only those amendments reported to the House from the Committee of the Whole are voted on; it is not in order to demand a separate vote in the House on amendments rejected in the Committee.

On Mar. 31, 1948,[6] the following exchange took place:

> MR. [EMANUEL] CELLER [of New York]: Mr. Speaker, I demand a separate vote on title III and title IV.
>
> THE SPEAKER:[7] Those amendments were not agreed to in the Committee of the Whole.

Similarly, on July 20, 1951,[8] the following proceedings took place:

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[4] See the proceedings at 81 CONG. REC. 6944, 6951, 75th Cong. 1st Sess. Under consideration was H.R. 3408, to amend the Civil Service Act approved Jan. 16, 1883.

[5] William B. Bankhead (Ala.).

[6] 94 CONG. REC. 3874, 80th Cong. 2d Sess.

[7] Joseph W. Martin, Jr. (Mass.).

[8] 97 CONG. REC. 8608, 82d Cong. 1st Sess. Under consideration was H.R. 3871, amendments to the Defense Production Act of 1950.

Mr. [Sidney R.] Yates [of Illinois]: Mr. Speaker, is it in order to ask for a separate vote on the Sabath amendment at page 83, section 206?

The Speaker:(9) The Sabath amendment was not adopted in Committee of the Whole. . . .

Separate votes may be had only on amendments that have been reported by the Committee of the Whole.

Inconsistent Amendments Considered Under Special Rule

Separate Votes on Perfecting Amendments Taken Before Vote on Substitute

§ 36.13 Parliamentarian's Note: Normally, if the Committee of the Whole perfects a bill by adopting certain amendments and then adopts an amendment striking out all after section one of the bill and inserting a new text, only the bill, as amended by the motion to strike out and insert, is reported to the House; but when the bill is being considered under a special rule permitting a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or the committee substitute, all amendments adopted in the Committee are reported to the House, regardless of their inconsistency.

For an illustration of the above, the reader is referred to the proceedings of May 26, 1960,(10) especially the exchange included below, between the Chair and Mr. Barden relating to consideration of inconsistent amendments. On that day, while a committee amendment in the nature of a substitute was pending, the following proceedings took place:

The Clerk read as follows:

Amendment offered by Mr. [Carl A.] Elliott of Alabama: Page 13, strike out lines 5 through 12, and insert the following: . . .

So the amendment was agreed to. . . .(11)

Amendment offered by Mr. [Adam C.] Powell [Jr., of New York]: Page 18, line 4, after section 6(a) insert: . . .

So the amendment was agreed to. . . .(12)

Amendment offered by Mr. [Frank T.] Bow of Ohio: On page 11, line 20, after "Sec. 1." strike out all after section 1 and insert in lieu thereof the following: . . .

So the amendment was agreed to. . . .

The committee amendment as amended was agreed to. . . .(13)

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9. Sam Rayburn (Tex.).

10. 106 Cong. Rec. 11282, 11292, 11296–98, 11301–04, 86th Cong. 2d Sess. Under consideration was H.R. 10128.

11. *Id.* at pp. 11282, 11292.

12. *Id.* at pp. 11296, 11297.

13. *Id.* at pp. 11298, 11301.

Since the rule permitted separate votes in the House on amendments to the committee amendment in the nature of a substitute, separate votes were demanded on the three amendments. Inquiries were then directed to the Chair:(14)

> MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, does not the first vote occur upon a substitute or the Bow amendment?
>
> THE SPEAKER:(15) It does not. It was an amendment to an amendment. . . .
>
> MR. [GRAHAM A.] BARDEN [of North Carolina]: Mr. Speaker, I believe it would be of great interest to the Members of the House to clarify the first amendment, the second amendment, and the third amendment in the order in which they will be taken up.
>
> THE SPEAKER: Each amendment will be reported when the proper time comes. The first on the list is the Elliott amendment.
>
> MR. BARDEN: Mr. Speaker, what effect will the Bow amendment have on the other amendments that will be voted on?
>
> THE SPEAKER: If the Bow amendment is agreed to it will strike out the other two amendments.
>
> MR. BARDEN: It strikes out the Elliott amendment and the Powell amendment?
>
> THE SPEAKER: That is correct.

Parliamentarian's Note: The proceedings of May 26, 1960, described in part above (see 106 CONG. REC. 11282, 11292, 11296–98, 11301–04, 86th Cong. 2d Sess.), illustrate the principle that perfecting amendments to an amendment in the nature of a substitute are voted on before a substitute amendment, and the effect of the adoption of a substitute amendment (here an amendment striking out all after the title of the amendment in the nature of a substitute) is to eliminate the language inserted by the amendments to the amendment in the nature of a substitute.

Procedures for Consideration, Where Demand for Separate Vote Permitted

§ 36.14 Under a special procedure permitting a demand in the House for a separate vote on an amendment adopted to an amendment in the nature of a substitute for a bill reported from the Committee of the Whole, the Speaker inquires whether a separate vote is demanded before putting the question on the amendment in the nature of a substitute.

On Mar. 8, 1973,(16) the following proceedings took place:

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14. *Id.* at p. 11302.

15. Sam Rayburn (Tex.).

16. 119 CONG. REC. 7138, 93d Cong. 1st Sess. Under consideration was H.R. 17.

THE CHAIRMAN:(17) Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Montgomery, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 17) to amend the Vocational Rehabilitation Act to extend and revise authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes, pursuant to House Resolution 274, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

THE SPEAKER:(18) Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

§ 36.15 Where a Member demands a separate vote in the House on an amendment adopted in the Committee of the Whole, the Speaker has asked that the Member identify the amendment in terms that are meaningful to the House—such as by specifying the page and line in the bill where the amendment is found.

On Oct. 6, 1966,(1) the following exchange took place:

MR. [PAUL A.] FINO [of New York]: Mr. Speaker, I demand a separate vote on the O'Hara amendment, the antibusing amendment. . . .

THE SPEAKER:(2) . . . What amendment does the gentleman from New York have in mind? The gentleman's characterization does not give sufficient information to the Chair.

—Order of Voting

§ 36.16 Votes in the House on amendments reported from the Committee of the Whole, on which separate votes have been demanded, are taken in the order in which the amendments appear in the bill, and not in the order in which separate votes were demanded.

On May 31, 1984,(3) during consideration of H.R. 5167(4) in the House, the proposition described above occurred as follows:

THE SPEAKER PRO TEMPORE:(5) The Clerk will report the first amendment

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17. G. V. Montgomery (Miss.).
18. Carl Albert (Okla.).

1. 112 CONG. REC. 25585, 89th Cong. 2d Sess. Under consideration was H.R. 13161.
2. John W. McCormack (Mass.).
3. 130 CONG. REC. 14677, 14678, 98th Cong. 2d Sess.
4. Defense Department authorization bill.
5. James C. Wright, Jr. (Tex.).

on which a separate vote has been demanded.

The Clerk read as follows:

> Amendment: Page 131, after line 2, insert the following new title (and redesignate the succeeding titles and sections accordingly):
>
> TITLE IX—NUCLEAR WINTER STUDY
>
> GOVERNMENT-SPONSORED STUDIES OF NUCLEAR WINTER
>
> Sec. 901. (a) If any Government agency undertakes a study of the phenomenon referred to as "nuclear winter" pursuant to proper authorization, the Secretary of Defense may participate in such study to the extent (and only to the extent) that the participation of the Secretary in the study is directly relevant to defense related aspects of the nuclear-winter phenomenon. . . .

The Speaker Pro Tempore: . . . The question is on the amendment.

The amendment was rejected.

The Speaker Pro Tempore: The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

> Amendment: At the end of the bill, insert the following new section:
>
> Notwithstanding any other provision of this Act, amounts authorized to be appropriated for fiscal year 1985 for the MX missile program shall be as provided under section 103(a). . . .

Mr. [Samuel S.] Stratton [of New York]: Mr. Speaker, there was a demand for a separate vote on the Leach amendment.

The Speaker Pro Tempore: The Chair would advise the gentleman that the amendments are voted on in the order in which they appear in the bill. The Leach amendment will be called after this one.

§ 36.17 Where separate votes are demanded in the House on several amendments reported from Committee of the Whole, the Speaker puts the question on the amendments in the order in which they appear in the bill.

On June 24, 1976,(6) the Committee of the Whole reported a bill back to the House with several amendments and the Speaker put the question on the amendments as indicated above. The proceedings were as follows:

> Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. [James C.] Wright [Jr., of Texas], Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14232) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1977, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be

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6. 122 Cong. Rec. 20424, 94th Cong. 2d Sess.

For further discussion of the order of consideration of amendments following demands for separate votes, see § 37, infra.

agreed to and that the bill, as amended, do pass.

The Speaker:[7] Without objection, the previous question is ordered.

There was no objection.

The Speaker: Is a separate vote demanded on any amendment?

Ms. [Bella S.] Abzug [of New York]: Mr. Speaker, I demand a separate vote on the so-called Hyde amendment.

The Speaker: Is a separate vote demanded on any other amendment?

Mr. [Robert H.] Michel [of Illinois]: Mr. Speaker, I demand a separate vote on the so-called Mitchell of Maryland amendment relating to summer employment.

The Speaker: Is a separate vote demanded on any other amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The Speaker: The Clerk will report the first amendment, the so-called Mitchell of Maryland amendment, on which a separate vote has been demanded.

The Clerk read as follows:

> Amendment: On page 2, line 19 under Title I—Department of Labor, Employment, and Training Administration, Employment and Training Assistance, strike out "$3,245,250,000" and insert in lieu thereof "$3,311,831,000".

The Speaker: The question is on the amendment.

—*When Demand Must Be Made*

§ 36.18 Where a special rule permits a separate vote in the House on an amendment to a committee amendment in the nature of a substitute adopted in Committee of the Whole, a Member must demand the separate vote before the question is taken on the committee amendment in the nature of a substitute.

On Sept. 20, 1972,[8] the principle was applied that the demand for a separate vote on an amendment to a committee amendment in the nature of a substitute comes too late after the House has agreed to the committee substitute. The proceedings were as follows:

> The Speaker:[9] . . . Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.
>
> The amendment was agreed to.
>
> Mr. [John E.] Moss [of California]: Mr. Speaker, I demand a separate vote on the amendment offered by the gentleman from Indiana (Mr. Dennis). . . .
>
> Mr. [David W.] Dennis: Mr. Speaker, reserving the right to object, my understanding is that the amendment was agreed to and that the gentleman's request comes too late.
>
> The Speaker: The Chair was under the impression that no separate vote

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[7] Carl Albert (Okla.).

[8] 118 Cong. Rec. 31409, 92d Cong. 2d Sess. Under consideration was H.R. 15003.

[9] Carl Albert (Okla.).

was demanded and put the question on adoption of the amendment.

The Chair put as a unanimous consent request, that the action by which amendment was agreed be rescinded.

Mr. Dennis: I object.

The Speaker: Objection is heard.

Mr. Dennis: I object because the amendment has been adopted.

The Speaker: The question is on the engrossment and third reading of the bill.

§ 36.19 A demand in the House for a separate vote on an amendment to an amendment (when such a vote is permitted by the resolution providing for consideration of the bill) comes too late after the amendment, as amended, has been agreed to.

On Nov. 1, 1967,(10) the following proceedings took place:

The Speaker Pro Tempore:(11) Under the rule, the previous question is ordered. Is a separate vote demanded on any amendment to the committee amendment? If not, the question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The Speaker Pro Tempore: The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The Speaker Pro Tempore: The question is on the passage of the bill. . . .

Mr. [Leslie C.] Arends [of Illinois]: Is it possible to have a record vote at this stage on the Brown of Michigan amendments, as adopted?

The Speaker Pro Tempore: The Chair will state to the distinguished gentleman from Illinois in response to his parliamentary inquiry that the committee amendment as amended, has been agreed to. . . .

Mr. [Gary E.] Brown of Michigan: Mr. Speaker, I was on my feet seeking recognition at the time the House, by voice vote, adopted the committee amendment, as amended. I wanted an opportunity to request a separate vote on my amendment.

The Speaker Pro Tempore: The Chair will advise the gentleman from Michigan that the so-called Brown of Michigan amendments were reported back to the House incorporated in an amendment adopted in the Committee of the Whole House on the State of the Union and at the time the Chair put the question no separate vote was demanded. Therefore, the gentleman's request is out of order.

§ 36.20 The proper time to demand separate votes in the House on amendments adopted in the Committee of the Whole is following the Speaker's announcement that the previous question has been ordered.

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10. 113 Cong. Rec. 30827, 90th Cong. 1st Sess. Under consideration was S. 1985.

11. Carl Albert (Okla.).

On July 9, 1965,(12) the following proceedings took place:

Mr. Gerald R. Ford [of Michigan]: At what point in this process will we have an opportunity to ask for separate votes on the Cramer vote-fraud amendment and on the Boggs amendment?

The Chairman:(13) In the House, after the previous question has been announced by the Speaker. . . .

[The Committee rose.]

The Speaker:(14) Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment?

Mr. Gerald R. Ford: Mr. Speaker, I demand a separate vote on the Cramer vote-fraud amendment and on the Boggs amendment.

—Bill Reported With One Amendment

§ 36.21 Where a bill is reported from the Committee of the Whole with one amendment, the Speaker immediately puts the question on the amendment and does not inquire whether a separate vote is demanded thereon.

On Dec. 17, 1974,(15) the Committee of the Whole having reported a bill(16) back to the House with an amendment, the Speaker immediately put the question and proceedings occurred as indicated below:

The Committee rose; and the Speaker having resumed the chair, Mr. [Otis G.] Pike [of New York], Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15263) to establish improved programs for the benefit of producers and consumers of rice, pursuant to House Resolution 1381, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The Speaker:(17) Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The Speaker: The question is on the engrossment and third reading of the bill. . . .

Mr. [Bill] Alexander [of Arkansas]: Mr. Speaker, a parliamentary inquiry. I was on my feet, and I would ask at what point is a demand for a separate vote on the amendment in order.

The Speaker: The Chair will state that the question was put on that, and the action has been taken and has been announced. . . .

Mr. Alexander: Mr. Speaker, I have a parliamentary inquiry.

The Speaker: The gentleman will state it.

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12. 111 Cong. Rec. 16280, 89th Cong. 1st Sess. Under consideration was H.R. 6400.
13. Richard Bolling (Mo.).
14. John W. McCormack (Mass.).
15. 120 Cong. Rec. 40509, 93d Cong. 2d Sess.
16. H.R. 15263, the Rice Act of 1975.
17. Carl Albert (Okla.).

Mr. Alexander: Mr. Speaker, I sought a record vote on the amendment that was adopted in the committee, and the Speaker did not announce a separate vote procedure on the committee amendment.

The Speaker: The Speaker followed the proper procedure. He definitely remembers saying:

> The question is on the adoption of the amendment. As many as are in favor, vote aye; those opposed, vote no. The ayes have it. The amendment is agreed to.

That was announced by the Chair, and the Chair then proceeded to put the questions on engrossment and third reading and on final passage, before the gentleman sought recognition.

—*Reading Amendments*

§ 36.22 When demand is made for a separate vote in the House on certain amendments adopted in the Committee of the Whole, such amendments are read in full before the vote is taken.

On June 18, 1943,(18) the following exchange took place:

Mr. [Francis H.] Case [of South Dakota]: Mr. Speaker, I ask unanimous consent that when we come to the amendments on which a separate vote is asked, each one of them may be read immediately preceding the vote.

The Speaker:(19) That will be done under the rule. The Clerk will report the first amendment on which a separate vote is demanded.

§ 36.23 Amendments reported from the Committee of the Whole on which a separate vote is demanded are read and voted on after other amendments have been agreed to en bloc.

On May 10, 1939,(20) the following proceedings took place:

Accordingly the Committee rose; and the Speaker pro tempore [Mr. (Sam) Rayburn (of Texas)] having resumed the chair, Mr. Delaney, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H.R. 6260, directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill do pass.

Mr. [J. Buell] Snyder [of Pennsylvania]: Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The Speaker Pro Tempore: Is a separate vote demanded on any amendment?

Mr. [Joe] Starnes of Alabama: Mr. Speaker, I ask for a separate vote on

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18. 89 Cong. Rec. 6140–44, 78th Cong. 1st Sess. Under consideration was H.R. 2968, the war agencies appropriation bill for 1944.

19. Sam Rayburn (Tex.).

20. 84 Cong. Rec. 5402, 76th Cong. 1st Sess. Under consideration was H.R. 6260, the War Department appropriation bill for civil functions, 1940.

the two Collins amendments as they were adopted in Committee of the Whole.

The Speaker Pro Tempore: Is a separate vote demanded on any other amendment? . . .

Mr. Starnes of Alabama: Mr. Speaker, I ask unanimous consent that we have a second roll call on the two amendments relating to flood control; that we have one vote on those two amendments.

The Speaker:(1) That is one amendment now, because they were voted on together in the Committee.

Is a separate vote demanded on any other amendment? If not, the Chair will put them en gross.

The other amendments were agreed to.

Mr. [Joseph W.] Martin [Jr.] of Massachusetts: Mr. Speaker, the agreement was there would be a separate vote on all amendments. Is that the understanding?

The Speaker Pro Tempore: There are two amendments upon which separate votes have been demanded.

The other amendments have been agreed to.

The Clerk will report the first amendment upon which a separate vote has been demanded.

The Clerk read as follows:

> Amendment offered by Mr. [Ross A.] Collins [of Mississippi]: On page 8, line 4, strike out "$71,000,000" and insert "$96,000,000."

The Speaker Pro Tempore: The question is on agreeing to the amendment.

—Reliance on Journal

§ 36.24 In determining which amendments have been the subject of demands for separate votes in the House, the Speaker has relied on the Journal rather than the Record.

On June 18, 1943, a question arose as to whether an amendment to the war agencies appropriation bill of 1944(2) had been the subject of a demand for a separate vote, or whether it had in fact been adopted with other amendments voted on en gross. Mr. Clarence Cannon, of Missouri, stated:(3)

> Mr. Speaker, when separate votes were requested on amendments, I asked for a separate vote on five amendments. . . . Subsequently, a vote was taken on the remainder of the amendments en gross. Later the gentleman from Michigan [Mr. Rabaut] rose to a parliamentary inquiry and asked if the Dirksen amendment, page 13, line 3 . . . had been voted on. The fact that two amendments were agreed to on page 13, line 3, confused me, and I informed the Speaker a separate vote on it had not been requested when, as a matter of fact, it had been requested.

After some discussion of the Chair's view that the Record indicated the amendment had been voted on, the following exchange took place:(4)

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(1) William B. Bankhead (Ala.).

(2) H.R. 2968.

(3) 89 Cong. Rec. 6143, 78th Cong. 1st Sess.

(4) *Id.* at p. 6144.

MR. CANNON of Missouri: Mr. Speaker, I respectfully request a reading of the reporter's notes on my request for a separate vote.

THE SPEAKER:(5) The gentleman may have that privilege, but the Chair, regardless of his personal feelings about this, must state that the Journal shows that the amendment was adopted en gross with other amendments.

MR. CANNON of Missouri: Mr. Speaker, I ask unanimous consent for the reading of the reporter's notes reporting my request for a separate vote.

[After further discussion:]

MR. CANNON of Missouri: Was my request for a reading of my request for a separate vote refused?

THE SPEAKER: No. We do not have that part of the Record here.

The Chair holds that the amendment has been agreed to.

Amendments Voted On En Bloc

§ 36.25 By unanimous consent, two amendments upon which a separate vote has been demanded may be considered and voted on en bloc.

On Oct. 6, 1966,(6) the following proceedings took place:

MR. [JAMES G.] O'HARA of Michigan: Mr. Speaker, I ask unanimous consent that the two amendments on which the gentleman from New York has asked for a separate vote be voted en bloc.

THE SPEAKER:(7) Is there objection to the request of the gentleman from Michigan?

There was no objection.

§ 36.26 Where a demand has been made for a separate vote on two amendments reported from the Committee of the Whole, it is too late to ask unanimous consent that the two amendments be voted on en bloc after the House has ordered the yeas and nays on the first one.

On May 10, 1939,(8) the following proceedings took place:

MR. [JOE] STARNES of Alabama: Mr. Speaker, I ask for a separate vote on the two Collins amendments as they were adopted in Committee of the Whole. . . .

THE SPEAKER PRO TEMPORE:(9) . . . The Clerk will report the first amendment upon which a separate vote has been demanded. . . . The question is on agreeing to the amendment.

MR. [CLIFTON A.] WOODRUM of Virginia: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. . . .

MR. [WILLIAM M.] WHITTINGTON [of Mississippi]: Would it be in order to ask unanimous consent to consider both amendments on this roll call?

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5. Sam Rayburn (Tex.).
6. 112 CONG. REC. 25586, 89th Cong. 2d Sess. Under consideration was H.R. 13161.
7. John W. McCormack (Mass.).
8. 84 CONG. REC. 5402, 76th Cong. 1st Sess. Under consideration was H.R. 6260, the War Department appropriation bill for civil functions, 1940.
9. Sam Rayburn (Tex.).

The Speaker Pro Tempore: Not at this time. A roll-call vote has been ordered.

§ 36.27 Where the Committee of the Whole reports a bill back to the House with amendments, some of which were considered en bloc pursuant to a special rule, the en bloc amendments may be voted on again en bloc on a demand for a separate vote, but another amendment separately considered in Committee of the Whole may not be voted on en bloc in the House without unanimous consent.

On Sept. 7, 1978,(10) during consideration of H.R. 7308,(11) the situation described above occurred as follows:

The Chairman Pro Tempore: Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. Murtha, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 7308) to amend title 18, United States Code, to authorize applications for a court order approving the use of electronic surveillance to obtain foreign intelligence information, pursuant to House Resolution 1266, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The Speaker:(12) Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. [Edward P.] Boland [of Massachusetts]: Mr. Speaker, I demand a separate vote en bloc on the McClory amendments agreed to on September 6, and I demand a separate vote on the conforming McClory amendments agreed to on today.

The Speaker: Is a separate vote demanded on any other amendment to the Committee amendment? The Clerk will report the amendments en bloc on which a separate vote has been demanded.

Mr. [Robert E.] Bauman [of Maryland]: Mr. Speaker, I have a parliamentary inquiry.

The Speaker: The gentleman will state it.

Mr. Bauman: Mr. Speaker, is it proper for the gentleman from Massachusetts (Mr. Boland) to demand a separate vote en bloc on the amendments, or must he ask for a vote on each one of these amendments?

The Speaker: The Chair will state that the rule provides that it shall be in order to consider the amendments en bloc, so under the rule the vote on the amendments would be considered as on the amendments en bloc. . . .

Mr. Bauman: Mr. Speaker, am I correct that the original McClory amendment was considered separately and

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10. 124 Cong. Rec. 28423, 28425, 95th Cong. 2d Sess.
11. The Foreign Intelligence Surveillance Act of 1978.
12. Thomas P. O'Neill, Jr. (Mass.).

that the several others were adopted subsequently?

Mr. [Robert] McClory [of Illinois]: Mr. Speaker, if the gentleman will yield, I might inform the gentleman that the conforming amendments were considered separately, and the other amendments were considered en bloc.

Mr. Bauman: Mr. Speaker, may I inquire on which amendment is it that the gentleman from Massachusetts (Mr. Boland) demands a separate vote? . . .

The Speaker: The Chair will state that the amendments offered by the gentleman from Illinois (Mr. McClory) that were agreed to yesterday will be voted on en bloc today. That is in conformance with the demand made by the gentleman from Massachusetts (Mr. Boland).

Mr. Bauman: A further parliamentary inquiry, Mr. Speaker.

The gentleman mentioned the McClory amendment and all amendments agreed to en bloc. So do we now face three or four separate votes?

The Speaker: The McClory amendment agreed to today is a separate amendment.

§ 36.28 Where a separate vote is demanded in the House on amendments reported from the Committee of the Whole and considered en bloc in Committee of the Whole (by unanimous consent), the Chair puts the question on the amendments en bloc in the House, where no Member demands a division of the question in the House.

On Mar. 29, 1979,(13) in the Committee of the Whole, amendments to H.R. 3173, the International Security Assistance Program authorization for fiscal 1980 and 1981 were considered en bloc.

Mr. [Gerry E.] Studds [of Massachusetts]: Mr. Chairman, I offer a series of amendments, and I ask unanimous consent that they may be considered en bloc.

The Chairman:(14) Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Chairman: The Clerk will report the amendments.

The Clerk read as follows:

> Amendments offered by Mr. Studds:
>
> Page 3, beginning in line 8, strike out "and $37,800,000 for the fiscal year 1981"; in line 19, strike out "or the fiscal year 1981"; and in line 21, strike out "during either such year".
>
> Page 4, beginning in line 23, strike out "and $110,200,000 for the fiscal year 1981"; on page 5, insert a closing quotation mark and a period at the end of line 8; and strike out lines 9 through 16.
>
> Page 7, line 14, strike out "and $95,000,000 for the fiscal year 1981".
>
> Page 8, beginning in line 12, strike out "and the fiscal year 1981".
>
> Page 8, beginning in line 23, strike out "and $32,900,000 for the fiscal year 1981"; and on page 9, beginning in line 2, strike out "in any fiscal year".

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13. 125 Cong. Rec. 6910, 96th Cong. 1st Sess.

14. Don Fuqua (Fla.).

Page 9, beginning in line 13, strike out "and $28,100,000 for the fiscal year 1981".

Page 16, beginning in line 11, strike out "and $656,300,000 for the fiscal year 1981"; in line 15, immediately before the closing quotation mark insert ", of which amount for each such year"; in line 17, strike out "and $2,063,000,000 for the fiscal year 1981" and insert in lieu thereof ", of which"; and strike out lines 18 through 23 and insert in lieu thereof the following:

(3) in subsection (c), by striking out "fiscal year 1979" and inserting in lieu thereof "fiscal year 1980".

Page 20, line 3, strike out "years 1980 and 1981" and insert in lieu thereof "year 1980".

Subsequently, in the House, a separate vote was demanded:(15)

THE SPEAKER PRO TEMPORE:(16) Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Speaker, I demand a separate vote on the amendments offered en bloc by the gentleman from Massachusetts (Mr. Studds).

THE SPEAKER PRO TEMPORE: Is a separate vote demanded on any other amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

THE SPEAKER PRO TEMPORE: The Clerk will report the amendments on which a separate vote has been demanded.

The Clerk read as follows: . . .

MR. ZABLOCKI (during the reading): Mr. Speaker, I ask unanimous consent that the amendments that were offered en bloc be considered as read and printed in the Record. These amendments offered en bloc provide for a 1-year authorization instead of the 2-year authorization which the Committee on Foreign Affairs has recommended.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

THE SPEAKER PRO TEMPORE: The question is on the amendments.

The amendments were rejected.

Withdrawal of Demand for Separate Vote

§ 36.29 Where all amendments reported from the Committee of the Whole have been agreed to but one on which a separate vote was demanded, the Chair must put the question on the remaining amendment even though the Member making the demand for the separate vote asks to withdraw the demand.

On Feb. 1, 1968,(17) the following proceedings took place:

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Speaker, I demand a separate vote on the Committee amendment on page 40, line 13, as amended in section 202.

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15. 125 CONG. REC. 6819, 96th Cong. 1st Sess.

16. Lucien N. Nedzi (Mich.).

17. 114 CONG. REC. 1850-52, 90th Cong. 2d Sess. Under consideration was H.R. 11601.

The Speaker Pro Tempore:(18) Is a separate vote demanded on any other amendment? If not, the Chair will put them en bloc.

The amendments were agreed to.

The Speaker Pro Tempore: The Clerk will report the first amendment on which a separate vote has been demanded. . . .

Mr. Waggonner: Mr. Speaker, I ask unanimous consent to withdraw the request for a separate vote.

The Speaker:(19) The Record will note the request, but the vote still will be on the committee amendment.

The question is on the amendment.

Unanimous Consent for Consideration of Substitute After Previous Question Ordered

§ 36.30 On one occasion, where a separate vote had been demanded in the House on an amendment adopted in the Committee of the Whole, unanimous consent was granted for the consideration of a substitute for such amendment even though the previous question had been ordered; and the amendment as amended by such substitute was agreed to.

On Aug. 22, 1944,(20) the following proceedings took place:

The committee substitute was agreed to.

The Chairman:(1) Under the rule, the Committee will rise. . . .

The Speaker:(2) Under the rule, the previous question is ordered.

Under the rule, also, the substitute being considered as an original bill, any Member may ask for a separate vote on any amendment to the substitute. . . .

Mr. [Carter] Manasco [of Alabama]: Mr. Speaker, I ask for a separate vote on the so-called Mott amendment. . . .

Mr. [Warren G.] Magnuson [of Washington]: Mr. Speaker, I ask unanimous consent to submit at this time a substitute for the Mott amendment. . . .

There was no objection. . . .

[The substitute was offered.]

The substitute was agreed to. . . .

The amendment as amended by the substitute was agreed to. . . .

The committee [amendment in the nature of a] substitute was agreed to.

§ 37. Order of Consideration

Generally

§ 37.1 When demand is made for separate votes in the House on several amendments adopted in the Committee of the Whole, such amendments are ordinarily read and voted on in the House in the order in which

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18. Carl Albert (Okla.).
19. John W. McCormack (Mass.).
20. 90 Cong. Rec. 7215, 7216, 78th Cong. 2d Sess. Under consideration was H.R. 5125, relating to disposal of surplus government property.

1. R. Ewing Thomason (Tex.).
2. Sam Rayburn (Tex.).

they appear in the bill as reported from the Committee of the Whole—not necessarily in the order in which agreed to in Committee or in which demanded in the House.

The modern practice of considering amendments in the order in which they appear in the bill is illustrated by the proceedings on Aug. 9, 1966, where a resolution making in order the consideration of a bill provided for separate votes in the House on amendments to the committee amendment in the nature of a substitute, the vote recurred in the order in which the amendments appeared in the bill even though the demands were not made in that order.(3)

Similarly, on July 24, 1968,(4) the following proceedings took place:

The Speaker:(5) The Chair will state that separate votes have been demanded on the so-called MacGregor amendment on page 8, the so-called Sikes amendment on page 28, the so-called Poff amendment on page 28, and the so-called Latta amendment on page 12. . . .

Mr. Gerald R. Ford [of Michigan]: Mr. Speaker, would the Chair announce the order in which the amendments will be voted upon?

The Speaker: The Chair will state in response to the parliamentary inquiry of the gentleman from Michigan that the amendments will be voted on in the order in which they appear in the bill.

But the Speaker(6) on one occasion indicated that, where separate votes are demanded in the House on amendments adopted in the Committee of the Whole, such amendments would be voted on in the order in which a separate vote is demanded and not the order in which adopted.(7)

On another occasion, amendments adopted in the Committee of the Whole on which a separate

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3. 112 Cong. Rec. 18736–39, 89th Cong. 2d Sess. Under consideration was H.R. 14765.
4. 114 Cong. Rec. 23093–95, 90th Cong. 2d Sess. Under consideration was H.R. 17735. For further illustration, see 119 Cong. Rec. 24959, 24965, 24966, 93d Cong. 1st Sess., July 19, 1973.
5. John W. McCormack (Mass.).
6. Sam Rayburn (Tex.).
7. 95 Cong. Rec. 2542, 2543, 81st Cong. 1st Sess. Under consideration was H.R. 1731, to extend certain provisions of the Housing and Rent Act of 1947, as amended. And see 111 Cong. Rec. 16280, 16283, 89th Cong. 1st Sess., July 9, 1965, where the usual procedure was not strictly followed and amendments were voted on in the order in which separate votes were demanded.

vote was demanded in the House were reported in the order in which they were adopted in the Committee of the Whole. Of course, as a bill is read for amendment by sections, the order of adoption of the amendments would normally correspond to the order of sections in the bill. In this instance, the bill[8] under consideration was to extend the effective period of the Emergency Price Control Act of 1942, and the Stabilization Act of 1942, and the Committee of the Whole had by unanimous consent agreed that the separate sections extending each of the two Acts be considered together, that amendments be in order under the general rules of the House to any part of the resolution, and that the amendments to both Acts would be open to amendment at the same time:[9]

> THE CHAIRMAN:[10] The Clerk will read.
>
> The Clerk read as follows:
>
> *Resolved, etc.,* That section 1 (b) of the Emergency Price Control Act of 1942, as amended, is amended by striking out "June 30, 1945" and substituting "December 31, 1946."
>
> MR. [PAUL] BROWN of Georgia: Mr. Chairman, I ask unanimous consent that sections 1 and 2 may be considered together and that amendments may be in order under the general rules of the House to any part of the resolution.
>
> MR. [JESSE P.] WOLCOTT [of Michigan]: . . . If the unanimous consent of the gentleman from Georgia is adopted will amendments to the amendments to both the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, be in order after the reading of section 2?
>
> THE CHAIRMAN: Yes.
>
> Is there objection to the request of the gentleman from Georgia?
>
> There was no objection.

Subsequently,[11] during proceedings in the House, amendments on which separate votes were demanded were reported, as directed by the Speaker, Sam Rayburn, of Texas:

> THE SPEAKER: The Clerk will report the next amendment on which a separate vote is demanded. The amendments will be reported in the order in which they were adopted in the Committee of the Whole.

§ 37.2 Where separate votes are demanded in the House on amendments adopted in the Committee of the Whole, such amendments are reported and voted on in the order in which they appear in the bill and not as offered in the Committee of the Whole.

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[8] H.J. Res. 101.

[9] See 91 CONG. REC. 6533, 79th Cong. 1st Sess., June 21, 1945.

[10] Jere Cooper (Tenn.).

[11] 91 CONG. REC. 6623-27, 79th Cong. 1st Sess., June 23, 1945.

On Apr. 17, 1946,(12) the following proceedings took place:

> The Speaker:(13) The Clerk will report the first amendment on which a separate vote has been demanded. . . .
>
> Mr. [Eugene] Worley [of Texas]: Mr. Speaker, I was under the impression that the Flannagan amendment had been adopted prior to the Wadsworth amendment.
>
> The Speaker: The amendments are being considered in the order in which they appear in the bill, not as they were offered.

§ 37.3 Votes in the House on amendments reported from the Committee of the Whole, on which separate votes have been demanded, are taken in the order in which the amendments appear in the bill, and not in the order in which separate votes were demanded.

On May 31, 1984,(14) during consideration of H.R. 5167(15) in the House, the proposition described above occurred as follows:

> The Speaker Pro Tempore:(16) The Clerk will report the first amendment on which a separate vote has been demanded.
>
> The Clerk read as follows:
>
> Amendment: Page 131, after line 2, insert the following new title (and redesignate the succeeding titles and sections accordingly):
>
> TITLE IX—NUCLEAR WINTER STUDY
>
> GOVERNMENT-SPONSORED STUDIES OF NUCLEAR WINTER
>
> Sec. 901. (a) If any Government agency undertakes a study of the phenomenon referred to as "nuclear winter" pursuant to proper authorization, the Secretary of Defense may participate in such study to the extent (and only to the extent) that the participation of the Secretary in the study is directly relevant to defense related aspects of the nuclear-winter phenomenon. . . .
>
> The Speaker Pro Tempore: . . . The question is on the amendment.
>
> The amendment was rejected.
>
> The Speaker Pro Tempore: The Clerk will report the next amendment on which a separate vote has been demanded.
>
> The Clerk read as follows:
>
> Amendment: At the end of the bill, insert the following new section:
>
> Notwithstanding any other provision of this Act, amounts authorized to be appropriated for fiscal year 1985 for the MX missile program shall be as provided under section 103(a). . . .
>
> Mr. [Samuel S.] Stratton [of New York]: Mr. Speaker, there was a demand for a separate vote on the Leach amendment.
>
> The Speaker Pro Tempore: The Chair would advise the gentleman that the amendments are voted on in the

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12. 92 Cong. Rec. 3936–38, 79th Cong. 2d Sess. Under consideration was H.R. 6042, the Emergency Price Control Act.
13. Sam Rayburn (Tex.).
14. 130 Cong. Rec. 14677, 14678, 98th Cong. 2d Sess.
15. Defense Department authorization bill.
16. James C. Wright, Jr. (Tex.).

order in which they appear in the bill. The Leach amendment will be called after this one.

§ 37.4 Where separate votes are demanded in the House on several amendments reported from Committee of the Whole, the Speaker puts the question on the amendments in the order in which they appear in the bill.

On June 24, 1976,(17) the Committee of the Whole reported a bill back to the House with several amendments and the Speaker put the question on the amendments as indicated above. The proceedings were as follows:

> Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. [James C.] Wright [Jr., of Texas], Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14232) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1977, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.
>
> The Speaker:(18) Without objection, the previous question is ordered.
>
> There was no objection.
>
> The Speaker: Is a separate vote demanded on any amendment?
>
> Mrs. [Bella S.] Abzug [of New York]: Mr. Speaker, I demand a separate vote on the so-called Hyde amendment.
>
> The Speaker: Is a separate vote demanded on any other amendment?
>
> Mr. [Robert H.] Michel [of Illinois]: Mr. Speaker, I demand a separate vote on the so-called Mitchell of Maryland amendment relating to summer employment.
>
> The Speaker: Is a separate vote demanded on any other amendment? If not, the Chair will put them en gross.
>
> The amendments were agreed to.
>
> The Speaker: The Clerk will report the first amendment, the so-called Mitchell of Maryland amendment, on which a separate vote has been demanded.
>
> The Clerk read as follows:
>
>> Amendment: On page 2, line 19 under Title I—Department of Labor, Employment, and Training Administration, Employment and Training Assistance, strike out "$3,245,-250,000" and insert in lieu thereof "$3,311,831,000".
>
> The Speaker: The question is on the amendment.

Separate Votes on Amendments to Amendment in Nature of Substitute

§ 37.5 When a special rule provides for a separate vote on an amendment to an amendment in the nature of a substitute reported from the Committee of the Whole, the vote first recurs

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17. 122 Cong. Rec. 20424, 94th Cong. 2d Sess.
18. Carl Albert (Okla.).

on the amendment on which the separate vote is demanded.

On July 25, 1968,(19) the following proceedings took place:

> Mr. Gerald R. Ford [of Michigan]: Mr. Speaker, I demand a separate vote on the so called Scherle amendment. . . .
>
> The Speaker:(20). . . Is any further separate vote demanded? If not, the Clerk will report the so-called Scherle amendment, on which a separate vote has been demanded.
>
> The Clerk read as follows: . . .
>
> The Speaker: The question is on the amendment.

—*Committee Amendment in Nature of Substitute*

§ 37.6 Where a committee amendment in the nature of a substitute is reported from the Committee of the Whole with various amendments thereto, and, under a rule permitting such procedure, separate votes are demanded in the House on several of those amendments, the Speaker puts the question first on those amendments on which a separate vote is demanded, then on the amendment, as amended.

On Oct. 6, 1966,(21) the following proceedings took place:

> The Speaker:(22) Under the rule, the previous question is ordered.
>
> Is a separate vote demanded on any amendment?
>
> Mr. [James G.] O'Hara of Michigan: Mr. Speaker, I demand a separate vote on the Fountain amendment which appears on page 63 of the bill, after line 9.
>
> The Speaker: Is a separate vote demanded on any other amendment?
>
> Mr. [Paul A.] Fino [of New York]: Mr. Speaker, I demand a separate vote on the O'Hara amendment, the antibusing amendment. . . .
>
> The Speaker: The Chair is not aware of that designation.
>
> What amendment does the gentleman from New York have in mind? The gentleman's characterization does not give sufficient information to the Chair. The Chair is endeavoring to protect the rights of the gentleman from New York.
>
> Mr. Fino: Mr. Speaker, the amendment which appears on page 57. . . .
>
> The Speaker: The gentleman from Michigan [Mr. O'Hara] offered several amendments that were adopted in the Committee of the Whole. The Chair is trying to ascertain the particular one that the gentleman from New York has in mind. . . .

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19. 114 Cong. Rec. 23372, 90th Cong. 2d Sess. Under consideration was H.R. 15067.
20. John W. McCormack (Mass.).
21. 112 Cong. Rec. 25585-87, 89th Cong. 2d Sess. Under consideration was H.R. 13161, a bill to strengthen and improve programs of assistance for elementary and secondary schools.
22. John W. McCormack (Mass.).

The Speaker: It is the Chair's recollection that the gentleman from Michigan [Mr. O'Hara] offered one amendment covering four sections of the bill. Later he offered another, intended to cover the fifth section.

Will the gentleman from Michigan [Mr. O'Hara] let the Chair have his opinion, and can the gentleman ascertain that the first amendment was intended to cover five sections, or five provisions, but covered only four, and that the gentleman then offered his second amendment to carry out the intent that he had in mind?

Is the Chair's understanding correct?

Mr. O'Hara of Michigan: Mr. Speaker, the Speaker has correctly stated the matter. The first amendment applied to four of the five titles of the elementary and secondary education bill passed by this Congress in 1965.

The second amendment on that subject, the last amendment I offered, covered the first title of that bill that we enacted in 1965.

The Speaker: Is that the amendment the gentleman from New York has in mind?

Mr. Fino: Mr. Speaker, that is correct.

The Speaker: Does the gentleman from New York demand a separate vote on both of the amendments?

Mr. Fino: Mr. Speaker, I do, to eliminate any confusion.

The Speaker: Is a separate vote demanded on any other amendment?

Mr. O'Hara of Michigan: Mr. Speaker, I ask unanimous consent that the two amendments on which the gentleman from New York has asked for a separate vote be voted en bloc.

The Speaker: Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Speaker: Is a separate vote demanded on any other amendment?

If not, the Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

> Page 63, after line 9, insert the following:
>
> "PART G. COMPLIANCE WITH SECTION 602 OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964
>
> "Sec. 171. The Commissioner of Education shall not defer action or order action deferred on any application by local educational agencies for funds authorized to be appropriated by this Act or by any Act amended by this Act on the basis of alleged noncompliance with the provisions of title VI of the Civil Rights Act of 1964 unless and until, as provided by section 602 of title VI, there has been an express finding on the record, after opportunity for a hearing, that such local educational agency has failed to comply with the provisions of title VI."

And on line 10, strike out "G" and insert "H", and on line 11, strike out "171" and insert "181".

Mr. [John] Brademas [of Indiana]: Mr. Speaker, a parliamentary inquiry.

The Speaker: The gentleman will state it.

Mr. Brademas: Mr. Speaker, is this the so-called Fountain amendment?

The Speaker: That is correct.

Mr. Brademas: I thank the Speaker.

The Speaker: The question is on the amendment. . . .

The Clerk will report the so-called O'Hara amendments on which a separate vote has been demanded.

The Clerk read as follows:

> Amendments offered by Mr. O'Hara of Michigan: On page 63, between lines 12 and 13 insert:
>
> "PART H—RACIAL IMBALANCE
>
> "Sec. 181. Section 604 of the Elementary and Secondary Education Act of 1965 (containing a prohibition against Federal control of education) is amended by inserting the following at the end thereof and before the period: ', or to require the assignment or transportation of students or teachers in order to overcome racial imbalance'."

On page 69, after line 3, insert the following:

> "Sec. 215. Section 301(a) of the Act of September 30, 1950 (Public Law 874; Eighty-first Congress) is amended by inserting the following at the end thereof before the period: ', or require the assignment or transportation of students or teachers in order to overcome racial imbalance'."

The Speaker: The question is on the amendments. . . .

Mr. Fino: Mr. Speaker, I ask for tellers.

Tellers were ordered, and the Speaker appointed Mr. O'Hara of Michigan and Mr. Fino as tellers.

The House divided, and the tellers reported that there were—ayes 263, noes 5.

So the amendments were agreed to.

The Speaker: The question is on the amendment as amended.

The amendment, as amended, was agreed to.

Substitute for Amendment in Nature of Substitute

§ 37.7 Where a committee amendment in the nature of a substitute is amended in Committee of the Whole by the adoption of a substitute and is reported to the House under a procedure permitting a separate vote on any amendment to the committee amendment, any Member may demand a separate vote on the substitute and, if it is adopted, the vote recurs on the committee amendment as amended by the substitute.

On Nov. 24, 1970,(1) the following proceedings took place:

The Speaker:(2) . . . Is a separate vote demanded on any amendment to the committee amendment?

Mr. [Carl D.] Perkins [of Kentucky]: Mr. Speaker, I demand a separate vote on the Steiger of Wisconsin amendment, commonly known as the Steiger-Sikes substitute, as amended.

The Speaker: The Clerk will report the amendment. . . .

The question is on the amendment. . . .

So the amendment was agreed to. . . .

The Speaker: The question is on the committee amendment, as amended,

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1. 116 Cong. Rec. 38715, 38723, 38724, 91st Cong. 2d Sess. Under consideration was H.R. 16785.
2. John W. McCormack (Mass.).

adopted in the Committee of the Whole.

The amendment was agreed to.

§ 37.8 The rule that an amendment in the nature of a substitute is always perfected before a vote is taken on a substitute amendment is followed in the House when operating under a special rule permitting separate votes on amendments adopted in the Committee of the Whole.

In the 86th Congress,(3) during consideration of a bill(4) to authorize federal financial assistance to school construction, the Committee of the Whole had adopted, in the following order: (1) an amendment to section 4 of a committee amendment in the nature of a substitute,(5) (2) then an amendment to section 6,(6) (3) an amendment, in effect a substitute, striking out all after section 1 of the committee amendment [thus deleting all after the title],(7) and finally (4) had agreed to the committee amendment in the nature of a substitute, as amended;(8) these amendments were then voted on in the House, under a special rule permitting separate votes on any amendments adopted in the Committee of the Whole to either the bill or the committee amendment, in the order in which they had been adopted.(9)

§ 38. Effect of Rejection of Amendment

Original Text Before House

§ 38.1 When the House rejects an amendment adopted in the Committee of the Whole, only the original text of the bill is before the House.

On June 20, 1967,(10) a bill(11) was under consideration which stated in part:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That chapter 33 of title 18, United States Code, is amended by inserting immediately preceding section 701 thereof, a new section as follows:
>
> "§ 700. Desecration of the flag of the United States; penalties
>
> (a) Whoever casts contempt upon any flag of the United States by pub-

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3. See the proceedings at 106 Cong. Rec. 11282, 11292, 11296–98, 11301–03, 86th Cong. 2d Sess., May 26, 1960.
4. H.R. 10128.
5. 106 Cong. Rec. 11282, 11292, 86th Cong. 2d Sess.
6. *Id.* at pp. 11296, 11297.
7. *Id.* at pp. 11298, 11301.
8. *Id.* at p. 11302.
9. *Id.* at pp. 11302, 11303.
10. 113 Cong. Rec. 16487 et seq., 90th Cong. 1st Sess.
11. H.R. 10480.

> licly mutilating, defacing, defiling, or trampling upon it shall be fined.

A committee amendment was agreed to that provided:

> On page 1, line 9, after "defiling," insert "burning,".

Subsequently, Mr. James C. Corman, of California, offered an amendment:(12)

> Amendment offered by Mr. Corman: Strike all the language on page 1, lines 8 and 9, and on page 2, lines 1 and 2, and insert in lieu thereof the following: "(a) Whoever with intent to cast contempt upon the flag of the United States publicly mutilates, defaces, defiles, burns, or tramples upon it shall be fined not more than $1,000 or imprisoned for not more than one year, or both."

A substitute was then offered for the Corman amendment:(13)

> Amendment offered by Mr. [Edward G.] Biester [of Pennsylvania] as a substitute for the amendment offered by Mr. Corman: On page 1, line 8, after the word "Whoever" insert the word "knowingly".

The Biester substitute for the Corman amendment was agreed to, and the Corman amendment, as so amended, was agreed to.(14)

The first three lines of text of 700(a) then read as follows, as perfected:

> (a) Whoever *knowingly* casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling, *burning*, or trampling upon it shall be fined.

An amendment thereafter offered by Mr. Louis C. Wyman, of New Hampshire, stated:(15)

> Amendment offered by Mr. Wyman: Strike out the first three lines of section 700(a) and insert in place thereof the following:
>
> "(a) Whoever, not acting under color of law, shall willfully and publicly mutilate, defile, burn or trample upon any flag of the United States shall be fined. . . ."

The Wyman amendment was then agreed to. But, on a separate vote in the House, the Wyman amendment was rejected.(16)

In response to inquiries as to what was provided in the final version of the bill, the Speaker(17) stated:

> . . . The only amendment . . . reported to the House by the Committee of the Whole was the so-called Wyman amendment.
>
> The House, on a separate vote, then rejected the Wyman amendment. The net result was that the language of the original bill was then before the

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12. 113 CONG. REC. 16488, 90th Cong. 1st Sess., June 20, 1967.
13. *Id.* at p. 16491.
14. *Id.* at p. 16493.
15. *Id.* at p. 16495.
16. *Id.* at p. 16497.
17. John W. McCormack (Mass.).

House. The language of the original bill was thus what the House passed.

Parliamentarian's Note: Only amendments reported to the House from the Committee of the Whole are voted on, and where the House rejects an amendment in the nature of a substitute for the entire bill, or an amendment striking out a portion of text inserting new language, the original text without amendment is before the House for passage.(18) The result of the action taken by the House was to eliminate *knowingly* and *burning* from the text perfected in Committee of the Whole.

§ 38.2 Parliamentarian's Note: Where a committee amendment in the nature of a substitute is amended in Committee of the Whole by the adoption of a substitute and is reported to the House under a procedure permitting a separate vote on any amendment to the committee amendment, the House is faced with three possible versions of the bill (the substitute, the committee amendment, or the text of the bill as introduced) since, if the substitute and the committee amendment are both rejected, the House then votes on the original bill.(19)

§ 38.3 Where a perfecting amendment adopted in Committee of the Whole is superseded by adoption of an amendment in Committee striking out the section comprehending the perfecting amendment, the perfecting amendment is not reported to the House, and the bill returns to the form as originally introduced upon rejection by the House of the amendment reported from Committee of the Whole.

On Aug. 4, 1976,(20) the Committee of the Whole having reported a bill(21) back to the House

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18. See 95 Cong. Rec. 12269, 81st Cong. 1st Sess., Aug. 25, 1949 (response of Speaker Sam Rayburn [Tex.] to parliamentary inquiries by Mr. Andrew J. Biemiller [Wis.] and Mr. Vito Marcantonio [N.Y.]). The bill under consideration was H.R. 6070, to amend the National Housing Act. For further discussion of proceedings related to the bill and to the amendment in the nature of a substitute, see § 12.14 and § 32.14, supra. The amendment in the nature of a substitute was agreed to in the House and the bill was passed (see 95 Cong. Rec. 12269).

19. See the proceedings at 116 Cong. Rec. 19842, 91st Cong. 2d Sess., June 16, 1970, discussed further in § 38.7, infra.

20. 122 Cong. Rec. 25425-27, 94th Cong. 2d Sess.

21. H.R. 8401, the Nuclear Fuel Assurance Act.

with amendments, the proceedings described above occurred as indicated below:

The Speaker:(22) Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. [Melvin] Price [of Illinois]: Mr. Speaker, I demand a separate vote on the so-called Bingham amendment. . . .

The Speaker: The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

> Amendment: Starting on page 1, line 5, delete sections 2 and 3 of the bill, and renumber section 4 as section 2. . . .

[The amendment was rejected.]

Mr. [John B.] Anderson of Illinois: Mr. Speaker, I offer a motion to recommit.

The Speaker: Is the gentleman opposed to the bill?

Mr. Anderson of Illinois: I am, Mr. Speaker, in its present form.

The Speaker: The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Anderson of Illinois moves to recommit the bill H.R. 8401 to the House Members of the Joint Committee on Atomic Energy with instructions to report back to the House forthwith with the following amendments: . . .
>
> On page 2, line 20 strike all after "public;" and insert the following: "*Provided, however,* That the guarantees under any such cooperative arrangement which would subject the Government to any future contingent liabilities for which the Government would not be fully reimbursed shall be limited to the assurance that the Government-furnished technology and equipment will work as promised by the Government over a mutually-agreed-to and reasonable period of initial commercial operation.". . .

Mr. [Albert H.] Quie [of Minnesota]: . . . I support private business getting into the nuclear fuel enrichment business but I oppose the guarantees provided in subsections 4 and 5 of section 45(a). . . .

In listening to the motion to recommit, am I right that the gentleman's motion to recommit in effect negates subsections 4 and 5 on page 3 of the bill?

Mr. Anderson of Illinois: The gentleman is correct. . . .

The Bingham amendment struck sections 2 and 3. Even with the defeat of that amendment, we are now back to the original committee bill in its unamended form. We must put back in the bill with this motion to recommit any sections that provide for prior congressional approval of any contract that provides that there can be no contingent liability on the part of the Government, save that provided for in an appropriation bill, plus the additional language which I just read to the Members which will assure that we are limiting this to a warranty of technology. . . .

Mr. Price: . . . What the gentleman from Illinois is saying is that unless we do recommit the bill with instructions, we will go back to the original bill before it was worked on in the Joint Committee and amended in a way that was palatable to the House and which caused the House eventually to support it. Is that correct?

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22. Carl Albert (Okla.).

Mr. Anderson of Illinois: The gentleman has stated the parliamentary situation correctly. We will be back to the committee bill before we had amended it with those committee amendments which were accepted without dissent in the Committee of the Whole. Because those sections as amended were stricken, even though we defeated the Bingham amendment, we must now go back and assure this House that we report this bill to this House in a form that contains the provisions for a 60-day congressional review. . . .

Parliamentarian's Note: House Resolution 1242 had specifically waived points of order under Rule XVI clause 7, to permit the consideration of the amendment recommended by the Joint Committee on Atomic Energy printed in the bill. (The amendment was not germane, because it provided for a rules change to permit privileged consideration of resolutions of disapproval, whereas the original bill provided no such mechanism.) While the precedents indicate that a motion to recommit a bill with instructions may not direct the committee to report back forthwith with a nongermane amendment, it is nevertheless true that an amendment incorporated in such a motion is in order if it would have been in order to consider that recommended amendment as an amendment to the bill. Since the text of the motion to recommit was identical to the committee amendment protected by the waiver, the motion to recommit was in order in the form indicated above.

—*Rejection of Amendment in Nature of Substitute*

§ 38.4 If the Committee of the Whole perfects a bill by amendment and then adopts an amendment in the nature of a substitute for the entire bill, only the substitute is reported to the House; if the House then rejects the substitute, the original bill without amendment is before the House.

On Mar. 4, 1952,(23) the following exchange took place:

Mr. [Charles A.] Halleck [of Indiana]: Do I understand the rules properly that since this amendment which was adopted in the committee, and which was a complete substitute for the bill which was before us, has now been defeated in the House and the next question is on the bill as originally introduced by the gentleman from Georgia [Mr. Vinson] without either the committee amendments as recommended, or the so-called Vinson amendments as adopted in the Committee of the Whole today?

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23. 98 Cong. Rec. 1864, 1865, 82d Cong. 2d Sess. Under consideration was H.R. 5904, the National Security Training Corps Act.

The Speaker:[24] The bill, as presented to the House, is before the House at this time.

§ 38.5 If an amendment in the nature of a substitute is reported from the Committee of the Whole and rejected by the House, the original bill (as referred to the committee having jurisdiction) is before the House.

On Sept. 29, 1965,[25] the following exchange took place:

Mr. [Abraham J.] Multer [of New York]: I am about to ask for the yeas and nays on the Multer amendment, as amended by the Sisk amendment. If that amendment is rejected on the roll-call vote, which I will ask for, will the pending business before the House then be H.R. 4644?

The Speaker:[1] As introduced.

§ 38.6 An amendment in the nature of a substitute for a bill was adopted in the Committee of the Whole and thereafter disagreed to in the House, and the original bill as introduced passed unamended.

On Apr. 21, 1937,[2] the Committee of the Whole had under consideration H.R. 2711, to create a division of water pollution control in the United States Public Health Service. Mr. John J. Cochran, of Missouri, offered an amendment, with notice that if the amendment were adopted, he would move to strike out the rest of the bill:

Mr. Cochran: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Cochran: Strike out all of section 1 and insert the following:

"That the Chief of Engineers of the War Department and the Surgeon General of the Public Health Service . . . are authorized and directed to make jointly a comprehensive study of water pollution and the means of eliminating or reducing water pollution. . . .

"Sec. 2. In evolving such plan for prevention of water pollution as provided in section 1, the Chief of Engineers of the War Department and the Surgeon General of the Public Health Service shall make appropriate investigation of State plans directed at the abatement and control of water pollution. . . .

"Sec. 3. The aforesaid study shall be embodied in a report which shall be submitted to Congress during the first week in January 1939."

Mr. Fred M. Vinson [of Kentucky]: Mr. Chairman, a point of order.

The Chairman:[3] The Chair asks the gentleman from Missouri whether his amendment is in the nature of a substitute for the bill?

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[24] Sam Rayburn (Tex.).

[25] 111 Cong. Rec. 25438, 89th Cong. 1st Sess. Under consideration was H.R. 4644.

[1] John W. McCormack (Mass.).

[2] 81 Cong. Rec. 3694, 3698, 3699, 75th Cong. 1st Sess.

[3] Wall Doxey (Miss.).

Mr. Cochran: Mr. Chairman, my amendment is offered as a substitute for section 1 of the bill. If the amendment is adopted, I shall move to strike out the rest of the bill. . . .

The Chairman: . . . The question is on the amendment offered by the gentleman from Missouri [Mr. Cochran].

[The amendment was agreed to.]

Mr. Cochran: Mr. Chairman, I ask unanimous consent that the remainder of the bill be stricken out.

The Chairman: Is there objection to the request of the gentleman from Missouri?

There was no objection. . . .

Mr. Cochran: Mr. Chairman, I move that the Committee do now rise.

The Chairman: The gentleman from Texas [Mr. Mansfield] will be recognized, if he seeks recognition.

Mr. [Joseph J.] Mansfield [of Texas]: Mr. Chairman, I do not fully understand the effect of the amendment offered by the gentleman from Missouri. Does it strike out the remainder of the bill?

The Chairman: That was done by unanimous consent after the adoption of the amendment offered by the gentleman from Missouri.

Mr. Fred M. Vinson: The test vote was on the amendment offered by the gentleman from Missouri, and he made the statement if that was successful he would move to strike out the remainder of the bill.

Mr. Cochran: And I did ask unanimous consent to strike out the remainder of the bill, and it was granted.

Mr. Mansfield: Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Doxey, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2711) to create a Division of Water Pollution Control in the United States Public Health Service, and for other purposes, directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. Cochran: Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The Speaker:(4) Is a separate vote demanded on any amendment?

Mr. Fred M. Vinson: I demand a separate vote, Mr. Speaker.

Mr. Mansfield: I demand a separate vote on the Cochran amendment.

The Speaker: The Chair will state, as a mere suggestion, that if the amendments are voted upon en bloc it will accomplish the same purpose.

Mr. Fred M. Vinson: It is the Cochran amendment which was offered at one time on which I am seeking a record vote.

The Speaker: The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. Cochran].

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4. William B. Bankhead (Ala.).

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MCCORMACK: I would like to ascertain whether or not if the amendment offered by the gentleman from Missouri [Mr. Cochran] is voted down, the bill as reported by the committee will then be before the House?

THE SPEAKER: In answer to the inquiry of the gentleman from Massachusetts the Chair will state that there is also another amendment that was reported from the Committee of the Whole.

MR. MCCORMACK: Pursuing my parliamentary inquiry further, will the Chair inform me whether or not there are two amendments?

THE SPEAKER: The Chair is advised that there are two amendments.

MR. MCCORMACK: The gentleman from Massachusetts understands that the Cochran amendment was with reference to a part of the bill, and then the gentleman from Missouri [Mr. Cochran] asked unanimous consent that the remainder of the bill be stricken out.

THE SPEAKER: In answer to the parliamentary inquiry of the gentleman from Massachusetts, the Chair will state that the gentleman from Missouri offered an amendment to strike out section 1 of the bill and insert in lieu thereof a substitute for the entire bill, with notice that if that amendment were agreed to he would move to strike out the remaining sections of the bill. That amendment was agreed to. By unanimous consent, the request being submitted by the gentleman from Missouri [Mr. Cochran], the remainder of the bill was stricken out.

MR. MCCORMACK: Further pursuing my parliamentary inquiry, Mr. Speaker, in order to have the entire bill as reported by the committee acted upon by the House, it is necessary that the gentleman from Kentucky or someone demand a separate vote on both of the Cochran amendments.

THE SPEAKER: If the gentleman from Kentucky desires to pursue that course, he is entitled to; but the Chair submits that if the amendments are voted on en bloc and voted down, then the bill as originally introduced will be before the House.

Does the gentleman from Kentucky insist on a separate vote?

MR. FRED M. VINSON: Let them be considered en bloc, Mr. Speaker.

THE SPEAKER: The question is on the amendments.

The amendments are as follows: Strike out section 1 and insert the following:

> That the Chief of Engineers of the War Department and the Surgeon General of the Public Health Service . . . are authorized and directed to make jointly a comprehensive study of water pollution and the means of eliminating or reducing water pollution. . . .
>
> Sec. 2. In evolving such plan for prevention of water pollution as provided in section 1, the Chief of Engineers of the War Department and the Surgeon General of the Public Health Service shall make appropriate investigation of state plans directed at the abatement and control of water pollution. . . .
>
> Sec. 3. The aforesaid study shall be embodied in a report which shall be submitted to Congress during the first week in January 1939.

Strike out the remainder of the bill.

The question was taken; and the Speaker announced that the ayes seemed to have it.

MR. FRED M. VINSON: Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

[The amendments were rejected.]

The bill was ordered to be engrossed and read a third time, and was read the third time.

THE SPEAKER: The question is on the passage of the bill.

[The bill was passed].

—Committee Amendment in Nature of Substitute Considered as Original Bill: Rejection of Substitute Therefor

§ 38.7 Where a resolution proposed to make in order a committee amendment in the nature of a substitute as an original bill for amendment, to make in order the text of another bill as a substitute therefor, and to permit a separate vote on any amendment adopted to the committee amendment, the Speaker pro tempore indicated that, should the substitute for the committee amendment be adopted in Committee of the Whole, the committee amendment as so amended be then reported to the House, and the substitute rejected on a separate vote in the House, the question would recur on the committee amendment, which would not be open to further amendment.

On June 16, 1970,(5) the following proceedings took place:

MR. [ARNOLD] OLSEN [of Montana]: The parliamentary inquiry is: If the Udall [substitute] bill is passed by the Committee of the Whole and we go into the House and then the Udall bill is voted down in the House, is it correct that the only thing left we would have would be the original Blount bill, the original H.R. 17070?

THE SPEAKER PRO TEMPORE:(6) In response to the inquiry, the committee amendment in the nature of a substitute would immediately be under consideration. Of course, it would not be subject to amendment.

MR. OLSEN: That is something I wanted to get straight, that the committee bill as amended would not be subject to amendment.

THE SPEAKER PRO TEMPORE: The previous question having been ordered, it would not be subject to amendment.

MR. OLSEN: So, Mr. Speaker, Members who have amendments to the committee bill, who want to amend H.R. 17070, should give attention to the fact that they will not have an opportunity to amend it if the Udall substitute is defeated in the House.

Rejection of Amendment Striking Out Title or Section That Had Been Perfected

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5. 116 CONG. REC. 19842, 91st Cong. 2d Sess. Under consideration was H. Res. 1077, providing for consideration of H.R. 17070, the Postal Reform Act of 1970.

6. Carl Albert (Okla.).

§ 38.8 Where the Committee of the Whole adopts several perfecting amendments to a title of a bill and then agrees to an amendment striking out that title, only the latter amendment is reported to the House, and in the event of its rejection in the House the original title, and not the perfected text, is before the House.

On Aug. 3, 1972,(7) the following exchange took place:

Mr. Gerald R. Ford [of Michigan]: Mr. Speaker, the committee bill in title I was amended in several instances during consideration of the bill in Committee of the Whole. Subsequent to that the Wylie amendment was approved which struck title I from the bill.

If the Wylie amendment at this point is defeated, will we return to title I, as it was in the committee bill, or as it was at the time it was voted on?

The Speaker:(8) As it was in the original committee bill.

—*Motion To Recommit With Instructions Used To Reinstate Amendments*

§ 38.9 The House, having defeated an amendment reported from Committee of the Whole striking out a section, rejected the previous question on a straight motion to recommit, and then amended the motion to include instructions to reinsert in the bill earlier amendments which had tentatively been adopted in Committee of the Whole but then deleted by the amendment striking out that section as so amended.

On Feb. 5, 1974,(9) the following proceedings took place:

Mr. [Ben B.] Blackburn [of Georgia]: Mr. Speaker, as I understand the procedure, with the defeat of the Wylie amendment in the Whole House, we have now before us the original bill, and the original bill did not contain the provision which would have permitted credit unions to share in such deposits. . . .

The Speaker:(10) The Chair will state that the committee amendment on page 7 is no longer in the bill, as it was not reported from Committee of the Whole. . . .

Mr. Blackburn: Mr. Speaker, I offer a motion to recommit. . . .

The Clerk read as follows:

> Mr. Blackburn moves to recommit the bill H.R. 11221 to the Committee on Banking and Currency. . . .

Mr. [Robert G.] Stephens [Jr., of Georgia]: Mr. Speaker, is a straight motion to recommit amendable?

The Speaker: Not when the previous question is ordered. If the previous

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7. 118 Cong. Rec. 26626, 92d Cong. 2d Sess. Under consideration was H.R. 15989.

8. Carl Albert (Okla.).

9. 120 Cong. Rec. 2079–82, 93d Cong. 2d Sess.

10. Carl Albert (Okla.).

question is ordered, it is not amendable. . . .

The question is on ordering the previous question.

The question was taken; and the Speaker announced that the noes appeared to have it.

MR. BLACKBURN: Mr. Speaker, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 122, noes 259. . . .

MR. [THOMAS L.] ASHLEY [of Ohio]: Mr. Speaker, I offer an amendment to the motion to recommit. . . .

THE SPEAKER: . . . The Clerk will report the amendment to the motion to recommit.

The Clerk read as follows:

> Amendment offered by Mr. Ashley to the motion to recommit offered by Mr. Blackburn: At the end of the motion, add the following instructions: With instructions to report back forthwith with the following amendment: On page 7, immediately after line 2, insert the following new subsection:
>
> (d) Section 107(7) of the Federal Credit Union Act (12 U.S.C. 1757(7)) is amended by adding at the end thereof the following: "; and to receive from an officer, employee, or agent of those nonmember units of Federal, State, or local governments and political subdivisions thereof enumerated in section 207 of this Act (12 U.S.C. 1787) and in the manner so prescribed payments on shares, share certificates, and share deposits". . . .

MR. ASHLEY: Mr. Speaker, I move the previous question on the amendment and on the motion to recommit.

THE SPEAKER: Without objection, the previous question is ordered on the amendment and on the motion to recommit.

There was no objection.

THE SPEAKER: The question is on the amendment to the motion to recommit.

The amendment to the motion to recommit was agreed to.

THE SPEAKER: The question is on the motion to recommit, as amended.

The motion to recommit, as amended, was agreed to.

§ 38.10 Where the Committee of the Whole had adopted perfecting amendments to a section of a bill and had then agreed to an amendment striking out the entire section, the Speaker indicated that only the amendment striking out the section had been reported to the House and, therefore, if such amendment was rejected in the House, only the original language of that section (without amendments) would be before the House; and, furthermore, that such section could only be further amended in the House by a motion to recommit with instructions, the previous question having been ordered on the bill to final passage.

On Feb. 5, 1974,(11) after the Committee of the Whole had re-

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11. 120 CONG. REC. 2078, 2079, 93d Cong. 2d Sess.

ported back to the House a bill[12] with an amendment, a parliamentary inquiry arose as described above.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Matsunaga, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11221) to provide full deposit insurance for public units and to increase deposit insurance from $20,000 to $50,000, pursuant to House Resolution 794, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The Speaker:[13] Under the rule, the previous question is ordered. . . .

The question is on the amendment adopted in the Committee of the Whole. . . .

Without objection, the Clerk will read the amendment.

The Clerk read as follows:

> Amendment: Strike out section 1 of the bill.

Mr. [Chalmers P.] Wylie [of Ohio]: Mr. Speaker, I have a parliamentary inquiry.

The Speaker: The gentleman will state it.

Mr. Wylie: If this amendment is not adopted now, then the bill will revert back to the bill as reported by the Committee on Banking and Currency, is that not correct?

The Speaker: The Chair's understanding is that it will revert back to the original bill without the committee amendment. . . .

Mr. [Lawrence G.] Williams [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry. . . .

While the bill was under consideration, under section 1 an amendment was adopted which was offered by Mr. Stephens of Georgia. At a later time an amendment was offered by Mr. Wylie to section 1 to strike section 1. If the amendment offered by Mr. Wylie in the Committee of the Whole is now defeated in the Whole House, does not that continue Mr. Stephens' amendment in the bill. . . .

The Speaker: The Chair wishes to make clear the parliamentary situation. Several amendments were adopted to section 1. Subsequently an amendment offered by the gentleman from Ohio (Mr. Wylie) striking section 1 was adopted. That is the only amendment reported to the House, the amendment striking section 1.

The vote now is, at the request of the gentleman from Rhode Island (Mr. St Germain), on the Wylie amendment striking section 1. If that amendment is adopted, then section 1 is eliminated. If that amendment is defeated, section 1 is back in the bill without any amendment. . . .

Mr. [Robert G.] Stephens [Jr., of Georgia]: Mr. Speaker, a further parliamentary inquiry. If this is voted down, then should we not have an opportunity to consider my amendment?

The Speaker: The only way the amendment could be voted on would be a motion to recommit.

The question is on the amendment.

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[12] H.R. 11221, amending the Federal Deposit Insurance Act.

[13] Carl Albert (Okla.).

Rejection of Motion To Strike Section Where No Demand Made for Separate Votes on Perfecting Amendments to Section

§ 38.11 Where the Committee of the Whole reports a bill back to the House with an adopted committee amendment in the nature of a substitute pursuant to a special rule allowing separate votes in the House on any amendment adopted in Committee of the Whole to the bill or to that committee substitute, and a separate vote is demanded in the House only on an amendment striking out a section of the committee substitute, but not on perfecting amendments which have previously been adopted in Committee of the Whole to that section, rejection in the House of the motion to strike the section results in a vote on the committee substitute with that section in its original form and not as perfected (the perfecting amendments having been displaced in Committee of the Whole by the motion to strike and not having been revived on a separate vote in the House).

On Oct. 13, 1977,(14) the Committee of the Whole having reported H.R. 3816 back to the House with an amendment, the proceedings described above were as follows:

> THE CHAIRMAN:(15) Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.
>
> The committee amendment in the nature of a substitute, as amended, was agreed to.
>
> THE CHAIRMAN: Under the rule, the Committee rises.
>
> Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Kazen, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 3816) to amend the Federal Trade Commission Act to expedite the enforcement of Federal Trade Commission cease and desist orders and compulsory process orders; to increase the independence of the Federal Trade Commission in legislative, budgetary, and personnel matters; and for other purposes, pursuant to House Resolution 718, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.
>
> THE SPEAKER:(16) Under the rule, the previous question is ordered.
>
> Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

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14. 123 CONG. REC. 33622, 33623, 95th Cong. 1st Sess.

15. Abraham Kazen, Jr. (Tex.).

16. Thomas P. O'Neill, Jr. (Mass.).

Mr. [Bob] Eckhardt [of Texas]: Mr. Speaker, I demand a separate vote on the so-called Krueger amendment. . . .

Mr. [James T.] Broyhill [of North Carolina]: Mr. Speaker, is it not correct that we would be acting on section 7 as written in the bill and not on the amendments as adopted by the Committee of the Whole if the Krueger amendment is adopted?

The Speaker: The amendment is to strike section 7 of the bill. The vote will be on that.

Mr. Broyhill: Mr. Speaker, if the Krueger amendment is defeated, then what is in the bill is the section as written in the bill and not the amendments that were adopted?

The Speaker: We are back to the original committee bill.

Mr. Broyhill: The original committee bill only, and not the amendments that were adopted?

The Speaker: The gentleman is correct.

Parliamentarian's Note: House Resolution 718, under which the House was operating, provided that the committee amendment in the nature of a substitute be read as an original bill for amendment and that separate votes could be demanded in the House on any amendment adopted in Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. In the above proceedings, the House could have retained the section as perfected in Committee of the Whole by first adopting, on separate votes, the perfecting amendments to section 7, and then rejecting on a separate vote the motion to strike that section. A Member who fails to demand a separate vote on a perfecting amendment to a portion of an amendment being read as original text, where a separate vote is demanded on a motion to strike which has deleted that perfecting language, allows the perfecting language to lapse whether or not the motion to strike is adopted on a separate vote.

Rejection of Amendment Striking Out and Inserting

§ 38.12 If an amendment striking out and inserting is reported from the Committee of the Whole and rejected by the House, the language of the original bill is before the House.

On Jan. 30, 1968,(17) the following exchange took place:

Mr. [Byron G.] Rogers of Colorado: Mr. Speaker, the rule provides for amendments in the Committee of the Whole. On page 40 of the bill that has been reported, you will note, in section 2 thereof, that it deals with the question of restrictions of garnishment of wages. You will also notice that on lines 13 to 19 the language has been stricken out and beginning at line 20

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17. 114 Cong. Rec. 1421, 90th Cong. 2d Sess. Under consideration was H. Res. 1043.

. . . there is an amendment to be offered by the Committee.

Mr. Speaker, my parliamentary inquiry is this: If the Committee of the Whole House on the State of the Union should adopt the amendment and thereafter when we come back into the House this amendment is rejected by the whole House, does that automatically reinstate lines 13 to 19, page 40, of the bill as reported by the committee?

THE SPEAKER PRO TEMPORE:(18) The Chair is prepared to respond to the gentleman's parliamentary inquiry. If the House rejects the amendment striking out the language in the bill and inserting substitute language, the effect of the House rejection would mean that the language which the Committee of the Whole had intended to be stricken would remain in the bill.

Rejection of Amendment Where Previous Question Ordered

§ 38.13 If the Committee of the Whole reports a bill back to the House with an amendment, and the amendment is rejected, the bill is not open to further amendment in the House if the previous question has been ordered.

On Sept. 29, 1965,(19) the following exchange took place:

MR. [WILLIAM H.] HARSHA [of Ohio]: Assuming the Committee sustains the Sisk amendment then the Committee returns to the House and the House votes down the Sisk amendment, upon what bill do we then proceed?

THE CHAIRMAN:(20) The question then will be put to the House on the bill, H.R. 4644.

MR. HARSHA: And, there will be no further opportunity to amend that or any other legislation; is that correct?

THE CHAIRMAN: Not at that point, because prior to that the previous question will have been ordered.

—Rejection of Amendment in Nature of Substitute

§ 38.14 Where the House rejects an amendment adopted in the Committee of the Whole striking out all after the enacting clause and inserting new language, and the previous question has been ordered, the question recurs on engrossment and third reading of the original bill without amendment.

On May 3, 1949,(1) the following exchange took place:

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18. Carl Albert (Okla.).

19. 111 CONG. REC. 25418, 89th Cong. 1st Sess. Under consideration was H.R. 4644.

See also § 38.10, supra, for discussion of possible amendment by a motion to recommit with instructions in the event of rejection of an amendment striking a section of a bill in a case in which the Committee of the Whole had adopted perfecting amendments to the section, but only the subsequent amendment striking the section was reported to the House.

20. Eugene J. Keogh (N.Y.).

1. 95 CONG. REC. 5543, 5544, 81st Cong. 1st Sess. Under consideration was

MR. [OREN] HARRIS [of Arkansas]: The vote is now on the Wood amendment that was adopted in the Committee of the Whole. If the Wood amendment is defeated, then the vote would come on the committee bill, the Lesinski bill, without amendment?

THE SPEAKER:(2) The next vote would be on the engrossment and third reading of the Lesinski bill.

H.R. 2032, the National Labor Relations Act of 1949. For other proceedings in which the question was similarly treated, see 116 CONG. REC. 42032-35, 91st Cong. 2d Sess., Dec. 16, 1970.

2. Sam Rayburn (Tex.).